

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

	x	
	:	
THE CITY OF HUNTINGTON,	:	Civil Action
	:	
Plaintiff,	:	No. 3:17-cv-01362
	:	
v.	:	
	:	
AMERISOURCEBERGEN DRUG	:	
CORPORATION, et al.,	:	
	:	
Defendants.	:	

	x	
	:	
CABELL COUNTY COMMISSION,	:	Civil Action
	:	
Plaintiff,	:	No. 3:17-cv-01665
	:	
v.	:	
	:	
AMERISOURCEBERGEN DRUG	:	
CORPORATION, et al.,	:	
	:	
Defendants.	:	

BENCH TRIAL - VOLUME 14
BEFORE THE HONORABLE DAVID A. FABER, SENIOR STATUS JUDGE
UNITED STATES DISTRICT COURT
IN CHARLESTON, WEST VIRGINIA

MAY 20, 2021

APPEARANCES:

**For the Plaintiff,
Cabell County Commission:**

MR. PAUL T. FARRELL, JR.
Farrell & Fuller, LLC
1311 Ponc De Leon, Suite 202
San Juan, PR 00907

MR. ANTHONY J. MAJESTRO
Powell & Majestro
Suite P-1200
405 Capitol Street
Charleston, WV 25301

MR. DAVID I. ACKERMAN
Motley Rice
Suite 1001
401 9th Street NW
Washington, DC

MR. PETER J. MOUGEY
Levin Papantonio Thomas Mitchell Rafferty & Proctor
Suite 600
316 South Baylen Street
Pensacola, FL 32502

MR. MICHAEL J. FULLER, JR.
Farrell & Fuller
Suite 202
1311 Ponce De Leon
San Juan, PR 00907

APPEARANCES (Continued):

**For the Plaintiff,
Cabell County Commission:**

MS. MILDRED CONROY

The Lanier Law Firm
Tower 56
126 East 56th Street, 6th Floor
New York, NY 1022

MS. PEARL A. ROBERTSON

Irpino Avin Hawkins Law Firm
2216 Magazine Street
New Orleans, LA 70130

MR. MICHAEL W. WOELFEL

Woelfel & Woelfel
801 Eighth Street
Huntington, WV 25701

MR. CHARLES R. WEBB

The Webb Law Center
716 Lee Street East
Charleston, WV 25301

MS. ANNIE KOUBA

Motley Rice
28 Bridgeside Blvd.
Mt. Pleasant, SC 29464

MR. MARK P. PIFKO

Baron & Budd
Suite 1600
15910 Ventura Boulevard
Encino, CA 91436

**For the Plaintiff,
City of Huntington:**

MS. ANNE MCGINNESS KEARSE

Motley Rice
28 Bridgeside Blvd.
Mt. Pleasant, SC 29464

MS. LINDA J. SINGER

Motley Rice
Suite 1001
401 Ninth Street NW
Washington, DC 20004

MS. TEMITOPE LEYIMU

Motley Rice
28 Bridgeside Blvd.
Mt. Pleasant, SC 29464

**For the Defendant,
Cardinal Health:**

MS. ENU MAINIGI

MS. JENNIFER WICHT

Williams Connolly
725 Twelfth Street NW
Washington, DC 20005

MS. SUZANNE SALGADO

725 Twelfth Street NW
Washington, DC 20005

MR. STEVEN R. RUBY

Carey Douglas Kessler & Ruby
901 Chase Tower
707 Virginia Street, East
Charleston, WV 25301

APPEARANCES (Continued):

**For the Defendant,
Cardinal Health:**

MS. ASHLEY W. HARDIN

MS. ISIA JASIEWICZ

Williams & Connolly

25 Twelfth Street, NW

Washington, DC 20005

APPEARANCES (Continued):

**For the Defendant,
McKesson:**

MR. TIMOTHY C. HESTER

MR. PAUL W. SCHMIDT

MS. LAURA M. FLAHIVE WU

MR. ANDREW STANNER

Covington & Burling

One City Center

850 Tenth Street NW

Washington, DC 20001

MR. JEFFREY M. WAKEFIELD

Flaherty Sensabaugh & Bonasso

P.O. Box 3843

Charleston, WV 25338-3843

APPEARANCES (Continued):

**For the Defendant,
AmerisourceBergen Drug Corporation:**

MS. SHANNON E. MCCLURE

MR. JOSEPH J. MAHADY

Reed Smith
Three Logan Square
Suite 3100
1717 Arch Street
Philadelphia, PA 19103

MS. GRETCHEN M. CALLAS

Jackson Kelly
P.O. Box 553
Charleston, WV 25322

APPEARANCES (Continued):

MR. ROBERT A. NICHOLAS

Reed Smith
Suite 3100
Three Logan Square
1717 Arch Street
Philadelphia, PA 19103

MS. ELIZABETH CAMPBELL

1300 Morris Drive
Chesterbrook, PA 19087

Court Reporter: Ayme Cochran, RMR, CRR
Court Reporter: Lisa A. Cook, RPR-RMR-CRR-FCRR

Proceedings recorded by mechanical stenography;
transcript produced by computer.

1 PROCEEDINGS had before The Honorable David A.
2 Faber, Senior Status Judge, United States District
3 Court, Southern District of West Virginia, in
4 Charleston, West Virginia, on May 20, 2021, at 9:00
5 a.m., as follows:

6 THE COURT: All right, Mr. Majestro.

7 MR. MAJESTRO: I get the job of trying to change
8 your mind, Your Honor.

9 THE COURT: Well --

10 MR. MAJESTRO: Let me just --

11 THE COURT: Have at it.

12 MR. MAJESTRO: Let me just get right to it. The
13 ruling -- your ruling yesterday, which plaintiffs really
14 didn't have much time to prepare for consideration, we think
15 ou should revisit for several reasons.

16 First, and I've got a couple of cases that I want to
17 put up for you. The general rule is that a party has
18 discretion to determine the order of presentation -- more
19 rights. Thus, the fundamental rule universally accepted is
20 that with reference to facts whose relevancy depends on
21 others, the order of presentation is left to the discretion
22 of the party himself subject, of course, to the general
23 discretion of the Court.

24 First -- First Circuit stated, certainly, the general
25 rule is that a party should be able to present his case and

1 order that case as he sees fit.

2 Second, Your Honor, this is especially true when we're
3 dealing with issues of conditional relevancy. As the Fourth
4 Circuit noted, Rule 104(b) continues the practice
5 specifically authorizing the judge to admit the evidence
6 subject to proof of the preliminary fact. And that's what
7 we're intending to do here.

8 Third, Rule 703 governing experts states that experts
9 can rely on inadmissible data. So, what we're proposing
10 here is that -- is that the expert rely on data that is not
11 only admissible, but that will be admitted later in the
12 trial. Certainly, there's no prejudice for that.

13 Fourth, Your Honor, the plaintiffs are prejudiced by
14 the ruling and this is the -- I think this is the most
15 important point I'm making. Plaintiffs plan to prevent --
16 present Mr. Rafalski first. He has been here for more than
17 a week preparing and reviewing the defendants' testimony
18 which will -- which will underlie his opinions. He is ready
19 to go once the defendants' witnesses finish testifying.

20 Dr. McCann, on the other hand, went home. The
21 attorneys that are responsible for presenting his testimony
22 went home and they had not planned to have him prepared and
23 ready next week.

24 The defendants' stipulation stipulated to splitting Dr.
25 McCann's testimony up and that gave us a reasonable belief

1 that we would be able to present the order -- these
2 witnesses in the order we wanted to.

3 In addition, this has a cascade effect on our other
4 witnesses. By upending the schedule, we have a lot of
5 experts who have other obligations. They're professionals,
6 a lot of other witnesses that have other obligations, and it
7 just totally completely causes problems with our scheduling
8 of witnesses because it's not just scheduling the witnesses.
9 Because of the way this case has worked, we have different
10 lawyers responsible for different witnesses. We've got a
11 schedule of lawyers.

12 In addition, this is what we believe -- the order we
13 have presented we believe is the way that is the most
14 persuasive to Your Honor. We ought to have a right to make
15 that choice since it's our case to prove.

16 Next, Mr. Rafalski has issues. He is giving a
17 deposition in Georgia on the 2nd and Judge Polster has just
18 ordered him to give a deposition in the MDL on June -- on
19 June 10th or June 11th. So, that's a -- those are more
20 issues that we have to -- we have to work around.

21 Finally, the defendants' grounds don't have any merit.
22 This is really a chicken and the egg problem. Mr.
23 Rafalski's methods for determining suspicious orders were
24 provided to Dr. McCann, who applied them to DEA's ARCOS data
25 and the defendants' transactional data to determine the

1 number of orders that each method would have flagged.

2 Rafalski the used McCann's calculations to provide for
3 each method a table showing the number of dosage units of
4 the oxycodone and hydrocodone the distributor shipped and
5 the percentage of orders that would have been flagged based
6 on the total units.

7 So, the testimony is interrelated. So, Dr. McCann is
8 relying on Mr. Rafalski's methods. Mr. Rafalski is relying
9 on Dr. McCann's calculations. For us to get that testimony
10 in, both -- we have to have both of the testimonies. And
11 so, which order it comes in, you're always going to have a
12 situation where one expert is going to be conditionally
13 relying on the other.

14 Finally, Your Honor, defendants' proposal is -- we
15 think it gives the defendants a tactical advantage.
16 McKesson and ABDC are parties in the Georgia case and
17 they'll have the opportunity to depose Mr. Rafalski before
18 he testifies in giving them a second shot at deposing him.

19 And the -- and for the same reasons we think it's best
20 to present Mr. Rafalski first, the defendants would like to
21 present Mr. McCann first. We would submit they don't get to
22 make that choice. We've been very accommodating with them
23 letting them do direct so their witness is in the middle of
24 our case and we think we ought to have the discretion of how
25 we call our experts.

1 THE COURT: He's right, isn't he, Mr. Schmidt?

2 MR. SCHMIDT: I think he's right, Your Honor, as
3 to the general rule. The reason we raise this in this
4 unique circumstance is because I think this circumstance is
5 distinct. The general rule is, of course, that he gets to
6 choose the sequencing.

7 Here, we're talking about something very specific,
8 though. We're talking about an expert who completely relies
9 on the work of another expert where there's substantial risk
10 of confusion in the record and just an unwieldy cross
11 examination if we have to examine Mr. Rafalski on a
12 methodology that Dr. McCann has employed without the Court
13 having heard from Dr. McCann where we may be examining Mr.
14 Rafalski on deposition transcripts from Dr. McCann.

15 We're absolutely entitled to do that. That's what
16 they're forcing.

17 And I would point the Court to Rule 611. Rule 611
18 regarding the mode and order of examining witnesses and
19 presenting evidence leaves that to the control of the Court
20 with the factors being avoiding waste of time, protecting
21 witnesses from harassment or undue embarrassment, and make
22 these procedures effective for determining the truth.

23 In those circumstances we think it makes sense for Dr.
24 McCann to come first so we don't have, first, an indirect
25 examination through Dr. Rafalski, and then the same

1 examination through Dr. McCann himself where there's a
2 potential for unwieldiness or confusion, but also
3 contradiction.

4 As to the stipulation that we agreed to, we view that
5 exactly the opposite way. We agreed with the plaintiffs
6 that they could do something unusual with Dr. McCann, which
7 is call him twice to try to facilitate this with the
8 understanding that he would still be laying the predicate
9 for Mr. Rafalski before Mr. Rafalski testified.

10 Now we're getting this very unusual out-of-sequence
11 that we would never have agreed to where they can present
12 Dr. McCann on the things they want, protect them on the
13 things they don't want, and you'll recall, they actually
14 objected when I started asking him about these methodologies
15 and I made clear I wasn't going to get into them because I
16 thought he was coming back before Dr. Rafalski would
17 testify. They're presenting him in a way they they never
18 could.

19 The guiding principle should be what's useful to the
20 Court and what's useful to the record. That's what Rule 611
21 says and, in these circumstances, we do think that calls for
22 departure from the norm where we've already had that
23 departure from the norm through the manner in which Dr.
24 McCann has otherwise been presented.

25 The only other thing I will say as to the scheduling

1 conflict that they cite, it's very clear that, number one,
2 that's of their own making. Dr. -- Mr. Rafalski was
3 supposed to be deposed weeks ago. They told us a couple
4 days before they didn't want us having a deposition of him
5 before he testified, so they cancelled that in another case.
6 That's not a legitimate ground for delaying here.

7 And, number two, the tactics there is naked in what
8 they're saying. They want to avoid a second deposition
9 before he testifies. That's a function of another case. We
10 couldn't present to the Court their decision to cancel his
11 deposition in another case when they did that. We're
12 litigating that before the other court.

13 In the same way, they can't use that as a justification
14 for this unusual procedure where they split up Dr. McCann's
15 testimony and then have him actually come after the witness
16 who is relying on him. Thank you, Your Honor.

17 THE COURT: I've given this a good bit of thought
18 last night and I think the plaintiffs do have a right to
19 control their case. It's obvious under the rules that they
20 do, except under obvious circumstances, and I think the fair
21 thing to do is reverse my ruling and allow the plaintiffs to
22 proceed in the order they wish to proceed.

23 MR. SCHMIDT: We would simply ask then, Your
24 Honor, for some leeway on cross examination to be able to
25 explore what I think will end up being duplicative with

1 apologies, but necessitated by the sequencing that the
2 plaintiffs have chosen.

3 THE COURT: Well, we'll cross that bridge when we
4 get to it, Mr. Schmidt, but I will keep that in mind.

5 MR. SCHMIDT: Thank you, Your Honor.

6 MR. MAJESTRO: Thank you, Your Honor. I'm off to
7 prepare a witness. Excuse me.

8 THE COURT: Mr. Mone.

9 MR. FULLER: Your Honor, while he's coming up,
10 Mike Fuller on behalf plaintiff. I would like to put on --
11 excuses me, Judge -- put on the record an agreement that we
12 worked out with the defendants as far as admission of some
13 documents.

14 THE COURT: Okay.

15 MR. FULLER: And what we'll do is, they're going
16 to review the entirety of the documents and then we'll
17 provide the hard copies to the Court this afternoon, but by
18 agreement, P-14290 --

19 COURT REPORTER: I'm sorry. 14 --

20 MR. FULLER: -- 290, 42071, 42100, 42102, 42103,
21 42107, 42113, 42114, 42115, 42116, 42117, 42118, 42123,
22 14288, 42432, and 14296 will be admitted by agreement after
23 they've had a chance to review them, Judge, and we'll do
24 that and get them on the record this afternoon.

25 THE COURT: Ms. Mainigi?

1 MS. MAINIGI: That's fine, Your Honor, after a
2 conditional -- conditionally fine with that and we will
3 review the thumb drive when we receive it, confirm, and
4 we'll let the Court know by the afternoon.

5 THE COURT: Okay. Well, I'm drowning in paper up
6 here and I know it's going to get a lot worse before it's
7 over.

8 MR. FULLER: Well, Judge, most of those we'll put
9 on a thumb drive to make it easier.

10 THE COURT: Okay. Well, I'm technologically
11 illiterate, Mr. Fuller. I don't know if I'll be able to
12 handle that or not.

13 Mr. Mone, you can resume the witness stand, sir, and
14 you're still under oath, the oath you took yesterday to tell
15 the truth.

16 THE WITNESS: Yes, Your Honor.

17 THE COURT: All right. Mr. Fuller, you may
18 proceed.

19 MR. FULLER: May it please the Court. I'm Mike
20 Fuller on behalf of the plaintiffs.

21 **CONTINUED DIRECT EXAMINATION**

22 **BY MR. FULLER:**

23 **Q.** Mr. Mone, yesterday, we were talking a little bit about
24 your time and employment at Cardinal. Can you see this
25 white board over here? Can you see that okay, Mr. Mone?

1 **A.** Now it's white, yeah.

2 **Q.** What we established is that you were at Cardinal over
3 the Anti-Diversion Department between the end of 2007
4 through 2012, right?

5 **A.** Through September of 2012, yes.

6 **Q.** All right. And around those same times, there are two
7 DEA actions against Cardinal, right?

8 **A.** Prior to my arrival, there were two DEA actions.

9 **Q.** Well, and just prior to your arrival in December, there
10 were two administrative inspection warrants and ISOs,
11 correct?

12 **A.** I do not know about the administrative inspection
13 warrants. I'm aware that there were two, prior to my
14 arrival, ISOs.

15 **Q.** Very good. And, in 2012, right before you left, was
16 another Immediate Suspension Order for the Lakeland
17 Distribution Center, right?

18 **A.** That is correct.

19 **Q.** And prior to your arrival, it was a Mr. Reardon that
20 was over Anti-Diversion, correct?

21 **A.** Yes.

22 **Q.** And are you aware who was there after your departure in
23 September of 2012? And when I say your departure, let's
24 make it clear. Your departure from that department, okay?

25 **A.** Mr. Todd Cameron.

1 Q. And so, you're in this middle section, right?

2 A. I am.

3 Q. And for ease, I'll refer to this as Chapter 1, which is
4 prior to your arrival in that department, okay?

5 A. All right.

6 Q. Chapter 2, which is your time frame, right?

7 A. Right.

8 Q. And then Chapter 3 will be after your departure and Mr.
9 Todd Cameron's arrival, correct?

10 A. Fair enough.

11 Q. Okay. Now, I believe you testified yesterday --

12 MR. FULLER: Can I get 8861 and don't put it on
13 the screen yet.

14 May I approach the witness, Your Honor?

15 THE COURT: Yes.

16 BY MR. FULLER:

17 Q. I believe you testified yesterday related to -- what we
18 refer to as the Rannazzisi letters; do you recall that?

19 A. That's the December of 2007 Joe letter, yes.

20 Q. And you're aware that there was an earlier letter in
21 2006, correct?

22 A. I have no personal knowledge of a prior 2006 letter.

23 Q. Okay. I've handed you a document which is marked 8861,
24 correct?

25 A. It is.

1 Q. And do you recognize that document? Well, actually,
2 let me start. What is it?

3 A. It's an e-mail from Bob Giacalone to other members of
4 both the -- our team, as well as outside legal counsel.

5 Q. And who is -- you say Bob Giacalone. It actually says
6 Robert Giacalone, right?

7 A. Yes.

8 Q. But you call him Bob; is that fair?

9 A. I do.

10 Q. And who is Mr. Giacalone?

11 A. Mr. Giacalone was the Senior Vice President of Cardinal
12 Health's Legal Regulatory Group.

13 Q. Is he someone that you worked with on a regular basis
14 when you were in that -- that position, what we call Chapter
15 2?

16 A. I did work with Bob, yes.

17 Q. Okay. And are you a recipient of this e-mail?

18 A. I am.

19 Q. And does it appear that there are attachments to this
20 e-mail?

21 A. It does.

22 Q. And is there any reason to believe that you wouldn't
23 have received these in your regular course of employment
24 there at Cardinal because the e-mail was sent to you?

25 A. I see no reason why I wouldn't have received it.

1 Q. And can you take a look at the attachments? Does the
2 first attachment appear to be a letter from the DEA to
3 Cardinal Health, Zanesville, Ohio from February 7th of 2007?

4 A. Yes.

5 Q. Does the second letter appear to be to Cardinal Health
6 on December 27th, 2007?

7 A. To the Syracuse Distribution Center, yes.

8 Q. Sir, and is it your understanding that each of the
9 distribution centers received a Rannazzisi letter or do you
10 know?

11 A. I have -- I have no independent knowledge of whether
12 each of the distribution centers received it, but it is more
13 than likely that they did.

14 Q. Fair enough. The next document attached there is
15 Diversion Investigators Manual, correct?

16 A. It is. It appears -- it's a letter to Cardinal Health
17 to Bob, the subject of which is the Diversion Investigators
18 Manual.

19 Q. And it has an excerpt from the Diversion Investigators
20 Manual; is that right?

21 A. It does.

22 Q. And if you turn to the next document, it's a memorandum
23 that has DEA letterhead prepared by Linden Barber?

24 A. Correct, from March 1st of 2007.

25 Q. Yes, sir. And then you have -- the last document is

1 September 27th, 2006, a letter from Joe Rannazzisi, correct?

2 **A.** And that is in this packet, that is correct.

3 **Q.** And, Mr. Mone, you would have received this in the
4 regular course of your employment with Cardinal?

5 **A.** To the best of my knowledge, since I am on this as a
6 cc, I would have received it.

7 MR. FULLER: Your Honor, I would submit and move
8 Plaintiffs' Exhibit 8861 into evidence.

9 MS. MAINIGI: Your Honor, objection for several
10 reasons to this compilation. First, this was not identified
11 to us in the proper course. It was identified after our
12 7:00 p.m. deadline.

13 But leaving that aside, it includes several documents
14 that are hearsay and there's several Joe Rannazzisi letters
15 in here. I think Mr. Mone several times has been approached
16 by Mr. Fuller yesterday and today now about earlier versions
17 of a Rannazzisi letter. Mr. Mone testified he did not begin
18 in his role until December, 2007 and that he did not see
19 earlier versions of the letter.

20 I believe Your Honor admitted the Rannazzisi letters in
21 the ABDC witness case for the limited purpose that it bears
22 upon notice, but subject to the existing hearsay objections.
23 Mr. Mone was not actually in his role at Cardinal either for
24 receipt of the December, 2006 letter, nor for receipt of the
25 February, 2007 letter.

1 So, the documents right now, a foundation has not been
2 laid for them and they are not documents that ought to be
3 coming in through Mr. Mone. Mr. Fuller can use another
4 witness to do that.

5 MR. ACKERMAN: Your Honor, with respect to each of
6 those in turn, I'll start with the foundation first.

7 MS. MAINIGI: Your Honor, I'm sorry to interrupt,
8 but I do not think it is proper for Mr. Ackerman -- we have
9 someone who is taking testimony in the form of Mr. Fuller.
10 It is not proper for Mr. Ackerman to handle all of these
11 objections.

12 THE COURT: Well --

13 MR. ACKERMAN: Your Honor, we're --

14 THE COURT: I agree with that. I let this go on
15 because there wasn't any objection to it, but the rule is
16 one lawyer per witness per party and if there's an objection
17 to me allowing otherwise, then I'm going to sustain the
18 objection.

19 Mr. Fuller, you can talk to Mr. Ackerman if, you want
20 to.

21 MR. ACKERMAN: Your Honor, we've done it this way
22 to try to expedite the trial so that we don't have to have
23 conversations for each objection. If we have to do it that
24 way, we will --

25 MS. MAINIGI: Your Honor --

1 MR. ACKERMAN: But it is certainly within your
2 discretion.

3 MS. MAINIGI: Your Honor, Mr. Fuller has been
4 preparing for this testimony for days and days and days.
5 None of this is a surprise in terms of the issues that are
6 going to arise.

7 THE COURT: Okay. From now on, unless there's
8 some exceptional reason not to do that, it's one lawyer per
9 witness per party and that's the rule and if any party in
10 the case insists upon me applying it that way, that's what
11 I'm going to do unless there's a specific reason in the
12 context of not doing it that way.

13 MR. ACKERMAN: Your Honor, isn't that what we're
14 doing? We have two plaintiffs. We have two separate
15 parties.

16 MS. MAINIGI: There is one -- yes, there are two
17 plaintiffs, but there is one attorney taking testimony right
18 now. That is the attorney who is trying to get in documents
19 to which I've objected. That's the attorney who should
20 respond.

21 MR. ACKERMAN: Well, give me a minute to confer
22 with Mr. Fuller, Your Honor.

23 (Pause)

24 MR. FULLER: So, Your Honor, just as they were
25 admitted with ABDC, this shows notice and knowledge. Mr.

1 Mone testified that he didn't have any recollection or
2 didn't remember. This clearly -- this document shows he got
3 these documents. He was on the e-mail. He received them.
4 I'm fine not questioning him about them.

5 THE COURT: Okay. Can I receive them for the
6 limited purpose of showing notice and knowledge of the
7 corporation, Ms. Mainigi, and not admit them for the truth
8 of the matter asserted?

9 MS. MAINIGI: Your Honor, not as it relates to the
10 December, 2006 and the February, 2007 letter. The idea that
11 Mr. Mone got them in 2012 is no notice at all for receipt in
12 2006 and February of 2007, which is what I believe Mr.
13 Fuller hopes to establish.

14 He can do it through another witness. He has other
15 witnesses that -- that he can establish that through, but
16 Mr. Mone has made clear that he didn't arrive in this role
17 until December, 2007.

18 MR. FULLER: Judge --

19 THE COURT: How much of this do you object to, the
20 whole packet?

21 MS. MAINIGI: We're fine with the December, 2007
22 letter, Your Honor. We're fine with the same -- we're fine
23 for admission for notice purposes with the December, 2007
24 letter.

25 THE COURT: And the rest of it you object to; is

1 that right?

2 MS. MAINIGI: Correct, Your Honor.

3 THE COURT: I'm going to admit the December, 2007
4 letter, Mr. Fuller, and sustain the objection with regard to
5 the rest of it.

6 **PLAINTIFF EXHIBIT 8861 ADMITTED**

7 THE COURT: Mr. Hester?

8 MR. HESTER: Your Honor, may I just have
9 clarification it's not being admitted for the truth of the
10 matter asserted; it's being admitted for the fact that the
11 statement was made?

12 THE COURT: That's right. It's admitted for the
13 limited purpose stated.

14 MR. FULLER: Judge, these documents are also on a
15 stipulation with the defendants and so I think they should
16 be admitted. Maybe I can't use them with Mr. Mone.

17 THE COURT: If I understand the stipulation, that
18 gets around the authentication rule, but it doesn't get
19 around any other objections; is that correct?

20 MS. MAINIGI: That's correct, Your Honor.

21 THE COURT: And so, you've authenticated them
22 through the stipulation, but that doesn't get you around the
23 hearsay problem and any other evidentiary problem.

24 MR. FULLER: Sure, Judge.

25 MS. MAINIGI: And just for the record, I think as

1 it relates to these particular letters, we did stipulate as
2 to authenticity, but -- but the foundation has -- we made
3 clear that the foundation needs to be laid.

4 THE COURT: All right. Well, I made my ruling on
5 this.

6 Go ahead, Mr. Fuller.

7 And this doesn't mean they're out absolutely forever.
8 If you have another witness that can do it right --

9 MR. FULLER: Well, Judge --

10 THE COURT: You can feel free to go forward with
11 that.

12 MR. FULLER: Sure. Here's the problem, Judge.
13 These -- and I'll go back to the board of setting out the
14 time frames.

15 MR. FARRELL: Excuse me, Judge. Can I confer with
16 Mr. Fuller?

17 THE COURT: Yes.

18 (Pause)

19 MR. FULLER: Hey, Judge, can we take a brief
20 recess?

21 MS. MAINIGI: Your Honor -- that's fine.

22 THE COURT: Well, yes. I think Mr. Fuller has
23 been surprised by all of this and we'll be in recess.

24 Can you do it in five minutes, Mr. Fuller?

25 MR. FULLER: Sure, Judge.

1 THE COURT: Okay. Ms. Mainigi wanted to say
2 something and I'm going to let you say it. Go ahead.

3 MS. MAINIGI: Sorry, Your Honor. These -- I don't
4 -- with all due respect, I do not think Mr. Fuller was
5 surprised. He has known this is coming. He sent these at
6 10:00 last night. This has been an ongoing back and forth.
7 There's no surprise here.

8 THE COURT: Okay. Well, I'll indulge him this
9 time.

10 MR. FULLER: Thank you, Your Honor.

11 THE COURT: Five minutes.

12 (Recess taken)

13 MS. MAINIGI: Your Honor, the one thing that I
14 would say --

15 LAW CLERK: Please be seated and come to order.

16 MS. MAINIGI: I'm sorry. The one thing I would
17 add is to the extent they want to use the letters as notice
18 in 2012 to Mr. Mone, I'm fine with that, and I apologize if
19 I was not clear on that.

20 My understanding is the whole purpose of trying to get
21 them in right now is to establish notice to the company or
22 to Mr. Mone in 2006 and I just don't think they can overcome
23 what they need to overcome with this particular witness for
24 2006. But to the extent they would like to establish notice
25 as of 2012, we're fine with that.

1 THE COURT: Mr. Farrell?

2 MR. FARRELL: Judge, may I make a proffer for the
3 Court in the absence of the witness?

4 THE COURT: Yes.

5 MR. FARRELL: During discovery we served a
6 subpoena for the Apex deposition of each of the defendants.
7 It was --

8 THE COURT: What's an Apex deposition?

9 MR. FARRELL: Their boss. The three people that
10 testified at Congress in the ENC Report, we served subpoenas
11 on or, through the discovery process, if they were still
12 employed, we asked for their deposition. The Apex Doctrine
13 means there's certain elements you have to fulfill before
14 you take a CEO.

15 It was appealed to a special master. Special master
16 ruled in our favor and, if I recall, it was appealed to you
17 and the appeal, we prevailed.

18 We also served a 30(b)(6) notice on each of the three
19 defendants for this trial and that 30(b)(6) notice, the
20 contents included laying the foundation for documents. Sir,
21 I know because I wrote it.

22 We then engaged in discussions, me personally, Paul
23 Farrell, as an officer of the court, and I spoke with each
24 of my learned counsel and we reached an accommodation and a
25 stipulation that is set forth in Document 835 with Cardinal

1 Health. The document is virtually identical with each of
2 the three defendants.

3 ECF 835 with Cardinal Health starts with Paragraph
4 number 1 where, on behalf of the City of Huntington and
5 Cabell County, we agreed not to call George Barrett, the
6 CEO, or Linden Barber, their counsel, to testify at trial.
7 Cardinal Health reserved the right to do so in their case in
8 chief, but we forfeited that right with the stipulation.

9 Paragraph 2, we even went to the state court litigants
10 and got the state court litigants to agree to stand down on
11 the CEO deposition of George Barrett.

12 Number three, and I'd like to read this into the
13 record. "The CT2 plaintiffs will not take any further fact
14 depositions of Cardinal Health witnesses in connection with
15 CT2. The CT2 plaintiffs will withdraw their Rule 30(b)(6)
16 notice to Cardinal Health and inform the Court the motion to
17 enforce that notice is moot as to Cardinal Health.

18 So, let me be as crystal clear and blunt as I can. We
19 stood down on discovery on August 6th, 2020 in exchange for
20 this stipulation. This stipulation goes on to say that --
21 this stipulation goes on to say that they will not object on
22 authentication grounds, but that's not where they rested.

23 They also said they will not object to sponsoring
24 witness. And, to be clear, in the -- in Page 3 of ECF 835,
25 it says that if there is -- let me read it. "The plaintiffs

1 have expressed a desire to, as much as possible, negate the
2 need for plaintiffs to bring multiple Cardinal Health
3 witnesses to trial for the sole purpose of authenticating
4 and establishing the proper foundation for use of the
5 identified documents at trial." That's number one.

6 "The parties will work in good faith to address
7 specific issues relating to authenticity and foundation
8 between now and trial." That's the only thing that's said
9 about before trial. We didn't agree to work this out. We
10 said we'd negotiate in good faith.

11 And then this is the sentence that I'd like to bring
12 emphasis to. "Plaintiffs will be provided an opportunity to
13 cure all unresolved issues relating to authenticity and
14 foundation, including the ability to depose and/or call a
15 custodial witness at trial."

16 Judge, the document that they just objected to is set
17 forth specifically in Appendix A as an identified document
18 for us to present at trial and if they're going to be -- if
19 they're going to insist on the breach of this, then we'll
20 declare it breached and we will begin calling custodial
21 witnesses, and we will issue a trial subpoena for their CEO.

22 So, this is -- I understand the point about not asking
23 a witness about a document. We're not asking for that.
24 We're trying to admit the core elements of our case with
25 documents that inculcate the defendants, in our humble

1 opinion, and they're -- the defendants reached an agreement
2 with us of the entry of these documents in the record and
3 now they're objecting.

4 THE COURT: Okay. Let me hear from Ms. Mainigi.

5 MS. MAINIGI: Your Honor, I don't think we should
6 distract from getting this witness back on the stand, but we
7 did agree to authenticity, but as I got up and said just
8 now, Your Honor, the notice -- and we've agreed to notice,
9 but the notice is as of 2012. The e-mail as of 2012. So,
10 if there's any notice to be established, it is notice as of
11 2012.

12 Ultimately, they chose which witnesses they wanted to
13 bring. They twice cancelled Mr. Mone's deposition in the
14 MDL. They had an opportunity to depose him. We had him
15 ready to go. They decided for strategic reasons to cancel
16 his deposition.

17 They also, as you see from the chart that Mr. Fuller
18 has put up there, Steve Reardon, they have depo designations
19 on Steve Reardon. And I think the depo designations -- I
20 can go back and check, but I think they include testimony
21 related to a December, 2006 letter.

22 So, there is no reason to get off track here with Mr.
23 Mone, who has clearly specified when he's there. If they
24 want to take this up with us later, we're happy to continue
25 having a conversation to see what we can work out, but this

1 is not the witness or the vehicle to -- to ask questions
2 about December, 2006.

3 So, we're happy to continue chatting with them and
4 figuring out if we're disagreeing about the stipulation or
5 whether there's something we can work out vis-a-vis the
6 stipulation, but this is not the witness to ask questions
7 about a December, 2006 letter.

8 THE COURT: Well, are you going to question this
9 witness about the time period that he wasn't there?

10 MR. FARRELL: No, Judge. What we -- what we would
11 expect is for your rulings to be consistent. If the witness
12 has no personal knowledge, then that's one thing. This is
13 about the admission of documents, evidence, into the record
14 for purposes of findings of fact and conclusions of law.

15 This isn't -- if the witness has no knowledge, you've
16 made it clear you can't specify to it, but we have the -- we
17 have agreed to live witnesses and we need to use those live
18 witnesses as a vehicle to enter documents into the record.
19 That's it.

20 MS. MAINIGI: Your Honor, he still has to get over
21 the other objections. He has to get over hearsay. And so,
22 to get over hearsay, all he has is notice as of 2012. This
23 document, which is the one they're relying on, is a 2012
24 document with attachments.

25 So, if they want to use this 2012 document and get it

1 admitted for a limited purpose as an exception to the
2 hearsay rule, it is notice as of 2012. That is why I
3 amended my statements earlier. So, this notice as of 2012,
4 but that is the proper application of the stipulation.

5 THE COURT: The cover memo says -- or e-mail says,
6 "Per your request, please see the attached DEA guidelines.
7 In going through my files, I've included an excerpt", and
8 then he goes on to talk about the documents.

9 I'm going to let it in. Objection is overruled. It's
10 in.

11 MR. HESTER: But, Your Honor, may I have
12 clarification? I believe the prior ruling was that you had
13 admitted it for the purpose of the fact the statement was
14 made, not for the truth, and there was no -- there was no
15 waiver of the hearsay objection in these stipulations. So,
16 I just wanted to be clear on the basis for the Court's
17 admission.

18 THE COURT: I'm, at this point, admitting it for
19 the limited purpose of showing notice and knowledge of the
20 corporation for the whole time period covered by the
21 documents, but I'm not admitting it for the truth of the
22 matter asserted insofar as there's hearsay that the
23 plaintiffs have not gotten around by showing that there's an
24 exception.

25 MS. MAINIGI: Thank you, Your Honor.

1 And just so I don't interrupt later, I assume Mr.
2 Fuller still has to establish foundation if he wants to
3 question on it.

4 THE COURT: All right. Go ahead, Mr. -- can we
5 get Mr. Mone back here?

6 MR. FULLER: I'll ask the questions, but I don't
7 know that I'll get answers until he's back, Judge.

8 THE COURT: Please resume the witness stand, Mr.
9 Mone.

10 Go ahead, Mr. Fuller.

11 MR. FULLER: Thank you, Your Honor.

12 BY MR. FULLER:

13 **Q.** Mr. Mone.

14 **A.** Yes, sir.

15 MR. FULLER: 1983.

16 BY MR. FULLER:

17 **Q.** I think when we were talking yesterday, you recollect
18 that there were distributor initiatives, distributor
19 briefings.

20 MR. FULLER: May I approach the witness, Your
21 Honor?

22 THE COURT: Yes.

23 BY MR. FULLER:

24 **Q.** Mr. Mone, I've provided you with a document -- well,
25 let me ask you before you look at it -- provided you -- the

1 distributor initiative, were you ever provided a copy of
2 what Cardinal got in these distributor briefings?

3 **A.** To the best of my recollection, I was not.

4 **Q.** So, you were brought in and asked to revamp the SOM
5 system, but you weren't provided the briefing information
6 that the DEA left Cardinal back in 2005 or 2006?

7 **A.** When I was brought in, I was asked to continue --

8 THE COURT: Just a minute, Mr. Fuller.

9 MR. FULLER: Yes, Your Honor.

10 (Pause)

11 THE COURT: All right, Mr. Fuller.

12 BY MR. FULLER:

13 **Q.** All right. Go ahead, Mr. Mone.

14 **A.** When I was brought in, I was asked to continue the
15 enhancements and -- of the existing system that was in
16 place.

17 **Q.** And I'm assuming then that you didn't review any of the
18 guidance provided by the DEA to Cardinal; is that right,
19 related to the distributor briefings?

20 **A.** What I testified to is I don't recall seeing any of the
21 documents that were part of the prior -- before my time, the
22 2005-2006 distributor initiative.

23 **Q.** And you have a document in front of you. Do you
24 recognize it?

25 **A.** I do not.

1 Q. Does it -- the first page is an e-mail; is that
2 correct?

3 A. It is.

4 Q. And who is on the e-mail?

5 A. It is from Robert Giacalone on 6/1 of 2007 to Steve
6 Reardon.

7 Q. And Mr. Reardon, as we discussed, prior to your
8 arrival, was in charge of Anti-Diversion?

9 A. He was.

10 Q. And Robert Giacalone, what was his position?

11 A. He was the Senior Vice President of Regulatory.

12 Q. And, if you will, flip through the document. Do you
13 recognize what the document is?

14 A. I do not recognize the PowerPoint slides.

15 THE COURT: You've already asked him that and he's
16 answered it. He said he didn't recognize it and you asked
17 him again and he said he didn't recognize it again, Mr.
18 Fuller.

19 MR. FULLER: Yes, Your Honor. Now I'm going to
20 move in Plaintiffs' Exhibit 1983. It has been stipulated,
21 like the last document, between the parties. I'm not going
22 to question the witness about it, but I just want it in for
23 purposes of the record.

24 MR. HESTER: Your Honor, we would object on
25 hearsay grounds to the document that's appended to the

1 e-mail. It's full of hearsay and I think the Court has
2 previously admitted a prior -- another version of this same
3 packet only for the fact that the statement was made not for
4 the truth of the matter asserted.

5 THE COURT: Ms. Mainigi?

6 MS. MAINIGI: Your Honor, I would also object on
7 -- on hearsay grounds. We're certainly okay with notice if
8 they would like to admit it for the purpose of notice and I
9 will note, once again, for the record, that Mr. Reardon has
10 designations. Mr. Reardon, who came before Mr. Mone, has
11 depo designations that may cover what they would like.

12 THE COURT: Mr. Hester, may I admit it for the
13 limited purposes?

14 MR. HESTER: Yes, Your Honor. We have no
15 objection as long as it's admitted for that limited purpose.

16 THE COURT: Mr. Nicholas?

17 MR. NICHOLAS: No objection.

18 THE COURT: All right. It's admitted for the
19 limited purpose of showing knowledge of the defendant
20 Cardinal; is that right? Did that get it?

21 MS. MAINIGI: Yes, Your Honor.

22 MR. FULLER: Thank you, Your Honor.

23 **PLAINTIFF EXHIBIT 1983 ADMITTED**

24 MR. FULLER:

25 **Q.** Next, Mr. Mone, we talked about the MOUs and MOAs. You

1 have a recollection of those, correct?

2 **A.** I do.

3 MR. FULLER: 8873.

4 BY MR. FULLER:

5 **Q.** Mr. Mone, do you recognize this document?

6 **A.** I do not.

7 **Q.** Do you recognize individuals on the document?

8 **A.** I'm sorry?

9 **Q.** Do you recognize the individuals on the document?

10 **A.** I do.

11 **Q.** Is that Mr. Giacalone again?

12 **A.** It is from Mr. Robert Giacalone on January 25th of
13 2016.

14 **Q.** And there are some attachments to this document; is
15 that correct?

16 **A.** It's a rather large packet, so yes, there are
17 attachments.

18 **Q.** And if you look, there are some of the Rannazzisi
19 letters. If you will turn to Page 15, and if you look at
20 the bottom, there's page numbers down there?

21 **A.** Yeah.

22 **Q.** See if you recognize that document.

23 **A.** The -- the Page 15 is a cover page for a 2012 DEA MOA.

24 **Q.** And are you familiar with that document?

25 MS. MAINIGI: Objection, Your Honor. Yesterday

1 there were some questions that I did not object to at all
2 related to the 2008 action and the 2012 action, but it seems
3 that Mr. Fuller is looking for admission of these documents,
4 as well as to gain testimony related to those two actions,
5 and we've got a number of objections.

6 We've got a hearsay objection, but we have also a
7 personal knowledge objection with respect to Mr. Mone, and
8 then we've got a geographic scope objection. Both of these
9 actions have nothing to do with West Virginia.

10 The 2008 action relates to four distribution centers
11 outside of West Virginia. The 2012 action relates to one
12 Distribution Center in Florida, as well as four pharmacies
13 in Florida. So, there is absolutely no demonstrable nexus
14 to Cabell-Huntington and no other aspects of the tests that
15 you have laid out for geographic scope is met either, Your
16 Honor.

17 And just for the purpose of the record, we also reserve
18 our objections on motion in limine to the Court.

19 THE COURT: Mr. Fuller?

20 MR. FULLER: Yes, Your Honor, if I might, let me
21 lay a little more of a predicate, if it's okay with the
22 Court.

23 THE COURT: All right. Go ahead.

24 BY MR. FULLER:

25 Q. Mr. Mone --

1 THE COURT: I'll reserve ruling on the objection.
2 Go ahead.

3 MR. FULLER: Thank you, Judge.

4 BY MR. FULLER:

5 Q. Mr. Mone, the system that you put in place, was it
6 limited to any geographical area within the United States?

7 A. The system that was put in place was a system that was
8 designed to identify and report suspicious orders for any
9 customer of Cardinal Health.

10 Q. Any customer in the country, right?

11 A. That is correct.

12 Q. Shipping out of any Distribution Center, correct?

13 A. That is correct.

14 Q. So, it was a centralized system run out of Dublin,
15 Ohio, correct?

16 A. It was a centralized system that involved the
17 individual orders for individual pharmacies by individual
18 distribution centers.

19 Q. Operated out of Dublin, Ohio, correct?

20 A. The operation of the assessment was done in Dublin,
21 Ohio.

22 Q. You had an electronic system that was maintained in
23 Dublin, correct?

24 A. I'm going to assume that the computers were in Dublin.
25 I don't know where the computers were, but the technology --

1 the team was in Dublin.

2 **Q.** The team?

3 **A.** The immediate team. It expanded into the distribution
4 centers, as well, but with the office.

5 **Q.** And then, when you arrived in December of 2012, the
6 system that you were revamping was also a nationally based
7 system based on what's called Ingredient Limit Reports,
8 correct?

9 **A.** Well, I have to correct you when I arrived. I arrived
10 in 2007, not 2012.

11 **Q.** I'm sorry. In December of 2007.

12 **A.** It was a system that was -- the system that was in
13 place when I arrived was a -- a migration from the ILR
14 system into -- we had already begun the process of
15 integrating into a new electronic system.

16 **Q.** And the ILR system was a nationally based system,
17 correct?

18 **A.** The ILR system -- the ILR system occurred at the
19 distribution centers.

20 **Q.** But it was the same system across the country, right?
21 Each Distribution Center ran an ILR and submitted those on a
22 monthly basis; is that correct?

23 **A.** My understanding is that each individual Distribution
24 Center ran their own reports and submitted those to the Drug
25 Enforcement Administration. I do not know whether anything

1 occurred centrally.

2 **Q.** And Mr. Reardon ran that program; is that right?

3 **A.** Mr. Reardon was in charge of that program.

4 **Q.** Mr. Reardon and his team was based in Dublin, Ohio,
5 correct?

6 **A.** Mr. Reardon's office was in Dublin, Ohio.

7 MR. FULLER: Your Honor, I think I've now laid the
8 predicate that these are national systems.

9 THE COURT: Ms. Mainigi?

10 MS. MAINIGI: I disagree, Your Honor. I think we
11 just heard testimony -- as it relates to the 2008, I think
12 we just heard testimony from Mr. Mone that they were run out
13 of the distribution centers. The 2008 action related to
14 Auburn, Washington; Lakeland, Florida; Swedesboro, New
15 Jersey; and Stafford, Texas. There was nothing that related
16 to Cabell-Huntington. There is a Distribution Center in
17 Wheeling, West Virginia that was not part of the 2008
18 action.

19 If I go back, Your Honor, to -- to the test you laid
20 out that the plaintiffs have to meet in order to get in
21 evidence beyond Cabell-Huntington, they first need to show a
22 demonstrable nexus to Cabell-Huntington. These two MOUs
23 have no demonstrable nexus to Cabell-Huntington. I don't
24 think they would dispute that.

25 Second, they could show national trends in shipment.

1 MOUs would not show any national trends in shipment. Third,
2 systemic failure. If they are trying to say that these
3 isolated MOUs that occurred in first four, and then one
4 Distribution Center well far away from Cabell-Huntington,
5 when there are 27 distribution centers that Cardinal has all
6 over the country, that somehow that's evidence of some
7 failure in Cabell-Huntington, that's absolutely wrong.

8 There's no way that distribution centers that don't
9 service Cabell and Huntington in any way, shape or form that
10 were implicated in those MOUs could somehow demonstrate some
11 systemic failure that affected Cabell-Huntington.

12 If they want to show that the system was faulty, then
13 we ought to see some evidence of that in Cabell-Huntington
14 and we welcome them putting on some evidence of that in
15 Cabell-Huntington, but bringing in settlement agreements
16 that have nothing to do with Cabell-Huntington is just a
17 complete waste of time and contrary to what Your Honor has
18 ruled.

19 THE COURT: It looks to me like, I mean, the -- it
20 is arguably relevant to whether or not there is a systemic
21 failure. I think it is a -- this goes to the weight rather
22 than the admissibility on that issue and -- and I am going
23 to let it in as it relates to the issue of the systemic
24 failure.

25 The system was designed to cover all of the operations

1 here and it broke down in a couple of instances that were
2 far removed apparently from Cabell-Huntington, but it does
3 relate to the overarching issue of the systemic failure to a
4 certain extent and I'll consider it insofar as it's relevant
5 to that.

6 Mr. Hester?

7 MR. HESTER: Your Honor, again, we have a hearsay
8 objection to this. We understand that the statement was
9 made, and -- but we would object to its introduction for the
10 truth of the matter asserted.

11 MS. KEARSE: And, Your Honor, I think -- I know
12 I've been sitting quietly, but I think we have an objection
13 --

14 COURT REPORTER: I'm sorry. I'm having a hard
15 time hearing you.

16 MS. KEARSE: I'm sorry. I'm used to having my
17 mask on.

18 Anne Kearse, Your Honor. I've been sitting here
19 quietly, but I would like to invoke the same rule. We have
20 one witness, one person who is objecting, and one person who
21 is defending this witness. This is a Cardinal discussion
22 right now. We have McKesson raising objections, as well.

23 So, I would like to object and say we have the same
24 rule we have now, one lawyer, one witness defending --

25 THE COURT: Well, I think one lawyer for each

1 party with regard to each witness.

2 MR. KEARSE: Yeah. It's not being offered against
3 McKesson, Your Honor.

4 MR. HESTER: Well, Your Honor, Your Honor, I would
5 say once the document comes in for the truth, it's a
6 document that would be relevant evidence against McKesson.
7 So, it seems to me we're entitled to object.

8 THE COURT: Mr. Nicholas, you want to say
9 something?

10 MR. NICHOLAS: Not really.

11 THE COURT: Well, you're supposed to stand up when
12 you address the Court, too.

13 MR. NICHOLAS: I apologize, Your Honor.

14 THE COURT: Okay.

15 MS. MAINIGI: Your Honor, just for the purpose of
16 the record, I also maintain our hearsay objection. Thank
17 you.

18 THE COURT: All right. I'm not going to consider
19 it for the hearsay, but I will admit it, for what it's
20 worth, on the issue of the systemic failure, although --
21 well, if we cut out all the hearsay of this, there's not
22 much left, is there, Mr. Fuller?

23 MR. FULLER: Well, Judge, I've been told to cite
24 the rules on my piece of paper.

25 THE COURT: Okay.

1 MR. FULLER: So, under 801(d)(2)(A), a statement
2 made by the party and in the individual purpose of their
3 capacity, Cardinal signed the MOAs. So, they are admissions
4 by Cardinal.

5 And 801(d)(2)(B), statements of one of the parties
6 manifested, or adopted, or believed to be true, they signed
7 off on these MOAs, Your Honor.

8 MS. MAINIGI: Your Honor, we disagree with that.
9 We don't think that there are admissions and we think it's
10 barred by 408.

11 THE COURT: All right. I'm going to -- I'm going
12 to admit it without -- and try to keep -- not consider the
13 hearsay at this point.

14 Go ahead, Mr. Fuller.

15 MR. FULLER: Yes, Your Honor.

16 BY MR. FULLER:

17 Q. And, Mr. Mone, in 2012, the next action began with an
18 administrative inspection warrant. Were you aware of that
19 being served at the Cardinal Distribution Center?

20 A. I was.

21 Q. And were you involved in that process?

22 A. I was not.

23 MS. MAINIGI: Your Honor, I just want a continuing
24 objection to this line of questioning.

25 THE COURT: All right. The record will so show.

1 MR. FULLER: 44562.

2 BY MR. FULLER:

3 Q. I've passed you Plaintiffs' Exhibit 44562, Mr. Mone.
4 Do you recognize that document?

5 A. I do not.

6 MR. FULLER: Judge, I would, for non-hearsay
7 purposes of notice and knowledge, I would move in 44562.

8 MS. MAINIGI: Your Honor, I object again on
9 hearsay grounds, as well as geographic scope. I mean, you
10 can look at the face of the document. A warrant is
11 allegations. It proves absolutely nothing and you can see
12 that this went to the Cardinal facility in Lakeland,
13 Florida.

14 And I submit, Your Honor, that if we're going to --
15 again, I did not object yesterday for some basic background
16 information on these MOUs, but if they're going to present
17 evidence of actions outside of Cabell and Huntington and
18 spend significant amounts of their time doing that, I think
19 we also have an unfairness issue because we didn't do
20 discovery in this case related to those actions.

21 THE COURT: What's the purpose of this?

22 MR. FULLER: Judge, it again provides notice and
23 knowledge. It's the basis of the MOU that you've just
24 admitted into the record.

25 THE COURT: I think we're getting pretty far

1 afield here, Mr. Fuller. I'm going to sustain the objection
2 to that.

3 MR. FULLER: Your Honor, one last one.

4 THE COURT: I'm encouraged by your referring to
5 this as one last one.

6 BY MR. FULLER:

7 **Q.** Mr. Mone, do you recognize this document?

8 **A.** I do not.

9 **Q.** Were you aware that Cardinal entered into a Settlement
10 Agreement with the DOJ and DEA in 2016 based on the 2012 MOU
11 action?

12 MS. MAINIGI: Your Honor, this relates to --
13 objection, I'm sorry. This relates to the same action that
14 we were just talking about, the Lakeland. This is the
15 Lakeland settlement.

16 THE COURT: What's the purpose of this, Mr.
17 Fuller?

18 MR. FULLER: Your Honor, this is the Settlement
19 Agreement that's related to the second MOU. If you turn to
20 Page 3, Cardinal specifically signed off on and admits to
21 violations of the Controlled Substance Act based on its
22 system that was in place. I agree that these violations
23 relate to the Lakeland Distribution Center, but it is a
24 nationally operated system, particularly under Mr. Mone.

25 THE COURT: Well, I think this relates to the

1 issue of the systemic failure and I'm going to admit it, Ms.
2 Mainigi.

3 MS. MAINIGI: Your Honor, thank you. I just want
4 to respond to Mr. Fuller's allegation that the --

5 THE COURT: Okay.

6 MS. MAINIGI: Any admissions related to Lakeland.
7 Thank you, Your Honor.

8 MR. FULLER:

9 Q. Mr. Mone, when you came in in December of 2007, you
10 took on to review the system that was in existence, correct?

11 A. I did.

12 Q. And did you review how that system operated?

13 A. I did not review the specifics of how the system
14 operated.

15 Q. And then you started building your own system, correct?

16 A. I did not. I continued the already established -- the
17 already in-process changes that were being made to the
18 system.

19 Q. I'm sorry. You did tell me that before. You mentioned
20 that there was -- you mentioned that there was a Phase 1 in
21 place, I believe?

22 A. I -- I don't believe I used the term Phase 1. There --
23 the -- the system was migrating from the ILR system into the
24 new electronic reporting system and it had already begun
25 when I got there.

1 Q. And you developed some -- you developed some portions
2 of that new system, correct?

3 A. I did.

4 Q. Something known as Know Your Customer? Was that
5 something that you implemented there at Cardinal?

6 A. The Know Your Customer component of the SOM system was
7 something that was developed and expanded during my time.

8 Q. How about due diligence, is that something that you
9 created there at Cardinal?

10 A. I would not say that we created due diligence. We had
11 always done due diligence. The manner by which we expanded
12 the due diligence was done when I came into the role.

13 Q. And that expansion had to do with centralizing the due
14 diligence; is that correct, and electronically storing, I
15 believe?

16 A. I'm going to disagree with you because the electronic
17 storage -- the due diligence piece is a different piece than
18 the electronic component. When -- there are two different
19 components of the SOM system.

20 MR. FULLER: May I approach the witness, Your
21 Honor?

22 THE COURT: Yes.

23 MR. FULLER: It's going to be 9734.

24 BY MR. FULLER:

25 Q. Mr. Mone, do you recognize this document?

1 **A.** I do.

2 **Q.** What is it?

3 **A.** Well, the first page is an e-mail from me to Bob
4 Giacalone on 6/30 of 2008 with the attachment being a
5 PowerPoint, a series of slides on anti-diversion progress
6 update.

7 **Q.** And that PowerPoint presentation has a date of
8 February 18th, 2008?

9 **A.** It does.

10 **Q.** Were you involved in the creation of that PowerPoint
11 presentation?

12 **A.** I was.

13 **Q.** And did you forward it to Mr. Giacalone?

14 **A.** I did.

15 **Q.** Now, let me ask you, your first slide on Page 3 of that
16 document, you talk about corporate investigations and key
17 observations and recommendations, right?

18 **A.** It -- if that is the title of the slide, yes.

19 **Q.** And you make some comments related to the
20 organizational structure, don't you?

21 **A.** I do.

22 **Q.** And these were based on your personal knowledge at the
23 time, right?

24 **A.** It was.

25 **Q.** The investigation that you had done into the existing

1 system, correct?

2 **A.** I guess that's fair to say, the investigation that was
3 done, yeah.

4 **Q.** And the finding that you made is inconsistent oversight
5 of field QRA, right?

6 **A.** That is the statement that is made.

7 **Q.** And for the Court's benefit, field QRA is Quality
8 Regulatory Affairs, correct?

9 **A.** That is correct.

10 **Q.** And did you -- Cardinal operated with compliance
11 officers at the different distribution centers it had across
12 the country; is that correct?

13 **A.** That is correct.

14 **Q.** Next, you find that inconsistent QRA participation and
15 direction both in selection of personnel and training of
16 personnel. So, some other of your concerns about the system
17 that was being operated, correct?

18 **A.** I wouldn't call them concerns. They were
19 identifications of areas for continuous improvement.

20 **Q.** Okay. And then skipping down a little bit, you find
21 that there are communication gaps between QRA, Quality
22 Regulatory Affairs, and the sales force, unclear decision
23 rights, right?

24 **A.** That is stated on the form.

25 **Q.** You also noticed over the time there at Cardinal that

1 there was some contention or conflict between Sales and QRA
2 at times, correct?

3 **A.** I did not notice any conflict between Sales and QRA.

4 **Q.** Never any issues between Sales and QRA in your mind?

5 **A.** Not with regard to what we were doing.

6 **Q.** Then in the resource section, the last bullet point
7 that you have under resources is budgetary constraints and
8 limited resources. That was another finding that you made,
9 right?

10 **A.** It was another observation.

11 **Q.** And when you came to Cardinal and you met with Mr.
12 Reardon, you had three staff members, didn't you?

13 **A.** I did.

14 **Q.** And that's excluding Mr. Reardon, correct?

15 **A.** That is correct.

16 **Q.** And it was Eric Brantley, Tim Dunham and Nick Rausch;
17 is that right?

18 **A.** That is correct.

19 **Q.** Okay. And you felt that to properly operate the
20 Anti-Diversion System at Cardinal you needed more help than
21 just those three individuals, didn't you?

22 **A.** I did.

23 **Q.** If we turn the next page, Page 4 of the document, you
24 talk about key action and people. Do you see that?

25 **A.** I do.

1 Q. And you added a Senior VP Supply Chain Integrity of
2 Operations, right?

3 A. That is correct.

4 Q. You tried to add or added another VP, two directors and
5 six investigators?

6 A. That is correct.

7 Q. I'm sorry.

8 A. That's -- that's what's written on the slide.

9 Q. Forming Anti-Diversion Team located in Dublin, Chicago,
10 Lakeland, Swedesboro and Sacramento, right?

11 A. That is correct on the slide.

12 Q. Again, that's because your system was a national system
13 operating everywhere, wasn't it?

14 A. It was --

15 MS. MAINIGI: Objection. Asked and answered, Your
16 Honor.

17 THE COURT: Overruled.

18 THE WITNESS: It was a centralized system.

19 BY MR. FULLER:

20 Q. It says you aligned or added 24 field QRA Compliance
21 Managers and that would be at the different distribution
22 centers around the country, wasn't it?

23 A. That is correct.

24 Q. And prior to you making that addition or change, while
25 the distribution centers may have had compliance officers,

1 they were given other duties and not necessarily full-time
2 positions, right?

3 **A.** That is correct.

4 **Q.** And that's a change that you felt needed to happen to
5 properly monitor anti-diversion?

6 **A.** That is a change that I felt was necessary to meet our
7 regulatory obligations.

8 **Q.** And another change was the reporting requirement of
9 those individuals. And I think that's in your next bullet
10 point, realign regulatory operations and Anti-Diversion
11 Reports of the Senior VP supply chain integrity, right?

12 **A.** Yes.

13 **Q.** And that would have been you, correct?

14 **A.** Actually, no, it was not.

15 **Q.** Who was the Senior Vice President?

16 **A.** That would be Mark Hartman.

17 **Q.** Your boss?

18 **A.** My boss.

19 **Q.** Fair enough. If you turn to Page 6 of the document,
20 one of the goals that you were trying to accomplish and that
21 you felt needed to be improved on was communication between
22 Sales, Operations and QRA; is that right?

23 **A.** I did.

24 **Q.** And if we look down there, and we mentioned just a
25 moment ago, when you came into the QRA Division they had

1 four people, Mr. Reardon, Mr. Brantley, Mr. Dunham and Mr.
2 Rausch, correct?

3 **A.** And the Distribution Compliance Officers.

4 **Q.** Fair enough. While here you mark or indicate that
5 you're going to try to re-educate the 40,000 domestic
6 employees of Cardinal Health, correct?

7 **A.** Yes.

8 **Q.** If you'll turn to Page 10.

9 MR. FULLER: Your Honor, at this time, I would
10 move in Plaintiffs' Exhibit 9734.

11 MS. MAINIGI: No objection, Your Honor.

12 MR. FULLER: Could we pop that up?

13 THE COURT: It's admitted.

14 **PLAINTIFF EXHIBIT 9734 ADMITTED**

15 MR. FULLER: Could we pop that up on the screen,
16 please?

17 BY MR. FULLER:

18 **Q.** Mr. Hartman -- excuse me. Mr. Mone, this sets out the
19 process -- well, for lack of a better term, Suspicious Order
20 Monitoring System, right?

21 **A.** It sets out a thought process of how to operate a
22 system.

23 MR. FULLER: And, Gina, if you could blow up the
24 right side of the slide.

25 BY MR. FULLER:

1 Q. And so, it starts with an order?

2 A. Correct.

3 Q. Is that right?

4 A. It does.

5 Q. And an order is an order that comes in generally at
6 this time electronically from the customer; is that correct?

7 A. Generally electronically, yes, that is correct.

8 Q. And then that order goes into your -- during your time
9 of your system, your automated system; is that correct?

10 A. Into the electronic order monitoring system, yes, the
11 electronic component.

12 Q. And you had built what is called thresholds and we'll
13 talk more about those in a minute.

14 A. Okay.

15 Q. Right?

16 A. That is correct.

17 Q. And a threshold, for the Court's benefit, is basically
18 a number or a limit which a customer can order up to; is
19 that fair?

20 A. No, it is not.

21 Q. What is a threshold?

22 A. A threshold, I agree with you, is a number. It is not,
23 however, a limit.

24 Q. During the time of your system, was the threshold fixed
25 so that a customer could not order above that number?

1 **A.** A threshold was a fixed number that if an order came
2 through the system that was above that number, that order
3 would be held for evaluation.

4 **Q.** And then you have two sections or two split-offs here.
5 You have a report, and I'm assuming that means report to the
6 DEA, correct?

7 **A.** It does not.

8 **Q.** Who would that be reported to then?

9 **A.** That -- the system that you have here is the system
10 that we ultimately did not implement. It's the thought
11 process of a system that we initially thought about.

12 **Q.** Okay.

13 **A.** The reports are the threshold reports that are being
14 evaluated by the team.

15 **Q.** And then the questionnaire, fax and/or call, is that
16 what we referred to earlier as sort of the due diligence
17 process?

18 **A.** No. The due diligence process is beyond just this
19 piece, but it is the analysis that the team would conduct
20 with regard to an assessment of that held order.

21 **Q.** Okay. And then that breaks off into either release or
22 report; is that right?

23 **A.** That is correct.

24 **Q.** And when we say release, that means release to whom?

25 **A.** Release the order to the DEA registrant that ordered

1 it.

2 **Q.** And then the report is to report to the DEA?

3 **A.** That is correct.

4 **Q.** And then terminate means terminate the customer,
5 correct?

6 **A.** That is a decision that may have been made with regard
7 to a particular customer.

8 MR. FULLER: So, if we could bring up
9 demonstrative or start with the animated version of 217.

10 MS. MAINIGI: Before you publish the
11 demonstrative, Mr. Fuller, is -- if I could, is this your
12 demonstrative?

13 MR. FULLER: I'm sorry. 2172.

14 MS. MAINIGI: Oh, 2172? Thank you.

15 BY MR. FULLER:

16 **Q.** All right. So, generally, in any sort of automated
17 system, you have to have a triggering mechanism; is that
18 right?

19 **A.** I would agree with that, yes.

20 **Q.** Now, Cardinal during your time used thresholds; is that
21 fair?

22 **A.** Cardinal used thresholds as the initial inquiry into
23 the evaluation, that is correct.

24 **Q.** And that's only one part of a Suspicious Order
25 Monitoring System, correct?

1 **A.** Yes. There were other components.

2 **Q.** Okay. And the triggering system Cardinal used was to
3 devise an average of the distributions nationwide, correct?

4 **A.** No, that is not correct.

5 **Q.** So, what is your understanding of how they devised the
6 thresholds when you initially created the system?

7 **A.** To the best of my recollection, the manner by which we
8 established those thresholds was to take a -- to take a
9 dataset and to analyze that dataset based on unique
10 characteristics of particular segmented customers.

11 **Q.** So, you divided the customers in different segments
12 based on hospital, or pharmacies, or long-term care
13 providers, whatever it may be, correct?

14 **A.** Correct.

15 **Q.** Okay. And then, did you subcategorize the customers by
16 size?

17 **A.** We did.

18 **Q.** And then how did you determine size?

19 **A.** We determined size by characteristics such as total --
20 total purchase price of controlled and non-controlled
21 substances, by number of prescriptions, by a series of
22 analyses based upon the questionnaires and knowing our
23 customers' needs, the types of patients they were seeing,
24 how close they were to hospitals, a number of factors.

25 **Q.** And so, once you determine what the customer's size is

1 in the different small, medium and large, I'm assuming,
2 correct?

3 **A.** We used those characteristics. We grouped them in that
4 way, yes.

5 **Q.** And then you would take an average for each of those
6 categories, right?

7 **A.** I believe that we took an average of those categories,
8 yes.

9 **Q.** And then you tripled the average, right?

10 **A.** For some controlled substances, yes.

11 **Q.** For oxycodone and hydrocodone, did you triple the
12 averages?

13 **A.** For -- for Schedule II controlled substances, we took a
14 multiplier of three.

15 **Q.** So, for each of the different categories, you then had
16 an average -- and that was nationwide average, right?

17 **A.** Well, no. It was a -- the statistics were designed on
18 the manner by which we -- well, they were designed about how
19 we segmented customers.

20 **Q.** Sure. I'm sorry. Let me ask the question better.
21 Based on segmentation and then size, then you took the
22 average for that segment and that size of a customer for the
23 entire nation?

24 **A.** We applied it to all of the customers across the
25 country.

1 Q. Okay. And then you multiplied that number by three?

2 A. The root number times three, yes.

3 Q. Okay. So, that's your initial triggering system?

4 That's step one in your SOMS process, correct?

5 A. The threshold is the triggering, yes.

6 Q. So, Step 2, if you have a triggering event, you have to
7 do something, right?

8 A. Yes.

9 Q. Yes, I'm sorry. It's next to you, too. I apologize.

10 A. It's over here.

11 Q. Does it matter --

12 MS. MAINIGI: Excuse me, Mr. Fuller. May I -- I
13 think this is a different demo. Which demo number is this?

14 MR. FULLER: I'm sorry.

15 MS. MAINIGI: You're going to go back to Demo 02?
16 Thank you.

17 MR. FULLER: Yes, ma'am.

18 BY MR. FULLER:

19 Q. All right. So, we have to do something if there's a
20 triggering effect, correct?

21 A. Yes.

22 Q. And based on the way your system was designed, did it
23 matter whether you were triggered just by a little bit or
24 triggered by a lot?

25 A. Once there was a trigger, there was an analysis.

1 Q. So, let's -- for example, if we had a threshold that's
2 10,000 pills of oxycodone and someone goes over it by a
3 hundred pills, it still triggers in your system, correct?

4 A. Yes.

5 Q. And you would still have to take action, right?

6 A. Correct.

7 Q. Same example, but let's change the numbers. 10,000
8 pill threshold, but they go over by 5,000 pills. It doesn't
9 change at least this part of how the process works? You
10 still have the triggering event and you still have to take
11 action, correct?

12 A. Yes.

13 Q. Okay. Now, if you choose not to take action, can you
14 cancel and report the order to the DEA?

15 A. We -- I don't know what you mean by if you choose not
16 to take action. We always took an action to do an
17 evaluation.

18 Q. Okay. So, your suggestion to the Court is that every
19 order that triggers is going to have some sort of due
20 diligence?

21 A. Yes.

22 Q. And that due diligence is going to be documented,
23 correct?

24 A. That due diligence would be documented in the system.

25 Q. And when we're doing the due diligence, what we're

1 trying to do is to determine whether we can clear this order
2 or whether we have to report the order to the DEA, correct?

3 **A.** Yes.

4 **Q.** So, let's go to Step 3. So, Step 3, if we have
5 adequate due diligence that clears the order, whatever
6 amount it is, it's your understanding that under your system
7 you would then be cleared to ship the order?

8 **A.** Yes.

9 **Q.** If you conduct the due diligence and you cannot clear
10 it, meaning you cannot validate the order, it's not likely
11 to be diverted, then you have to -- you have a suspicious
12 order that's not cleared and you have to block it and report
13 it, correct?

14 **A.** Yes.

15 **Q.** Okay. Do you know how many suspicious orders you
16 reported into Cabell or Huntington?

17 **A.** I do not.

18 **Q.** Do you know how many suspicious orders you reported
19 into the State of West Virginia during your time? And I
20 want to limit the questions. Let me go back for a second.

21 During your tenure, what we described as Chapter 2,
22 from the end of -- December of '07 to September of '08 -- or
23 to September of '12, do you know how many suspicious orders
24 you reported into Huntington and Cabell County?

25 **A.** I do not.

1 Q. Do you know how many suspicious orders you reported to
2 the State of West Virginia?

3 A. I do not.

4 Q. Now, your system, this electronic system, you had
5 access to threshold and threshold breaches, correct?

6 A. I did, yes.

7 Q. And would you review thresholds and threshold breaches?

8 A. Not ordinarily.

9 Q. But did you have access to the system?

10 A. As I said before, I did have access to them.

11 Q. Could you have reviewed them?

12 A. I could have, yes.

13 Q. And if you were looking at a particular pharmacy, is
14 that something that you might do?

15 A. I might, yes.

16 Q. And when we say thresholds, thresholds may change over
17 time. It didn't stick to the three time multiplier,
18 correct?

19 A. That is correct.

20 Q. And if we're going to change a threshold, we have to go
21 through certain steps to do that, don't we?

22 A. The team would do an evaluation and to whether or not
23 to make a change in a threshold.

24 Q. And there are certain justified reasons for changing a
25 threshold, correct?

1 **A.** There would be.

2 **Q.** And there are certain reasons we wouldn't want to
3 change a threshold, correct?

4 **A.** There would be.

5 **Q.** And those reasons need to be documented in that
6 customer's due diligence file, correct?

7 **A.** The rationale would have to be up to the pharmacist. I
8 don't recall a specific requirement, and I could be
9 incorrect, but I don't recall a specific requirement that
10 the reasons themselves be documented. All of -- well, when
11 I say reasons, I mean the totality of all the reasons.

12 **Q.** But there has to be some basis documented, correct?

13 **A.** There's going to be a basis for the pharmacist, member
14 of the team, to make a decision.

15 **Q.** And when you say pharmacist, so the Court is clear,
16 we're not talking about the pharmacists at the pharmacy.
17 We're talking about the pharmacist at Cardinal that's job is
18 to evaluate thresholds and whether one needs to be changed?

19 **A.** Our team of pharmacists and staff on the QRA Team, yes,
20 Your Honor, not the pharmacy piece, just our little piece of
21 the pie.

22 **Q.** And if we are going to make a choice based on a trigger
23 and clear an order to be shipped, the basis of that
24 clearance needs to be documented, as well, correct?

25 **A.** Like I said, I don't recall that. The base -- all of

1 the reasons why a pharmacist made a -- pharmacist/pharmacist
2 team made a decision, but there had to be a rational basis
3 for doing so.

4 **Q.** And we need to be able to know what that rational basis
5 is; is that fair?

6 **A.** The -- because those pharmacists were continually
7 working in the same area, they had to be satisfied with the
8 decisions that they made and they would record what they
9 felt was necessary to refresh their recollection, I would
10 assume, as to why they made a prior decision to go up or to
11 go down.

12 MR. FULLER: Judge, it's right at 10:30. I'm
13 going to switch topics.

14 THE COURT: Good time for a break, Mr. Fuller.
15 We'll be in recess for ten minutes.

16 (Recess taken)

17 (Proceedings resumed at 10:42 a.m.)

18 THE COURT: Mr. Mone, you can resume the
19 witness stand, sir.

20 THE WITNESS: It's a lot longer walk than you
21 think it is.

22 BY MR. FULLER:

23 **Q.** Mr. Mone, we're talking about the implementation of
24 your system. And at the time, there's several
25 distribution centers that have their license suspended;

1 correct?

2 **A.** Yes, they were.

3 **Q.** At that, that point in time -- at that point in time,
4 there was an issue with compliance of Valencia distribution
5 center; is that right?

6 **A.** Not at that time.

7 **Q.** Was it shortly thereafter?

8 **A.** The concern associated with Valencia was a concern
9 expressed by the Drug Enforcement Administration after --
10 way after the, the period of time of the Immediate
11 Suspension Orders.

12 **Q.** When you say way after, would it have been early '09?

13 **A.** I believe it was sometime in the spring of '09, that's
14 correct.

15 **Q.** And were there meetings with DEA related to that issue?

16 **A.** There were.

17 **Q.** Did Cardinal -- based on the meetings with DEA, did
18 Cardinal make certain additional changes to its system to
19 continuously improve that system?

20 **A.** I do not recall whether we made changes to our system
21 as a result of the Valencia concern. We were always engaged
22 in taking the available information and continuously making
23 improvements to the system. So I don't know that I can say
24 point to serial that they were directly related.

25 **Q.** During that same time frame, and I mean early 2008,

1 were you aware of Dendrite being hired to do an evaluation
2 of the system, Mr. Ron Buzzeo?

3 **A.** The, the work that Ron Buzzeo's group did with my team
4 was that they provided additional resources for
5 investigations.

6 **Q.** Do you remember being interviewed by Mr. Buzzeo related
7 to the functioning of that system?

8 **A.** I don't remember -- I don't remember an interview by
9 Ron. I know that Ron and I had talked, but I don't have any
10 specific recollection of an interview.

11 MR. FULLER: May I approach, Judge?

12 THE COURT: Yes.

13 BY MR. FULLER:

14 **Q.** Mr. Mone, do you recognize this document?

15 **A.** I do not.

16 MS. MAINIGI: Your Honor, I have an objection to
17 the use of this document which is P-45. There are multiple
18 objections.

19 I think the witness has indicated he doesn't recognize
20 the document. The document is hearsay. And there was a
21 privilege objection in the MDL court related to this
22 document. That privilege objection was ultimately overruled
23 by Special Master Cohen.

24 But just for the purpose of the record, we continue to
25 assert our privilege objection to this -- for the purpose of

1 the record here. But foundationally I don't think that they
2 can cover this document with this witness.

3 THE COURT: Well, he said he didn't recognize it.

4 Go ahead, Mr. Fuller.

5 MR. FULLER: Thank you, Judge.

6 BY MR. FULLER:

7 Q. Mr. Mone, if you'll turn to the second page of this
8 document --

9 MS. MAINIGI: Objection, foundation.

10 THE COURT: Well, yeah. How -- just address her
11 objection and --

12 MR. FULLER: Sure, Your Honor. Quite frankly,
13 I'll just move it into evidence, Your Honor. This is one of
14 the stipulated documents. I don't necessarily need to ask
15 the witness about it. He's referenced in it and there's
16 emails from him attached to it.

17 THE COURT: Can I admit it as one of the
18 stipulated documents if he's not questioned about it?

19 MR. FULLER: We would submit it only for notice
20 and knowledge, Judge.

21 MS. MAINIGI: Your Honor, we have stipulated to
22 authenticity and no sponsoring witness, but we still have a
23 hearsay objection related to it, as well as lack of
24 knowledge and the previously stated 403. But we maintain a
25 hearsay objection in addition to the others.

1 THE COURT: Well, he's saying he's not admitting
2 it for the hearsay, only to knowledge and notice. Can I
3 admit it for that limited purpose?

4 MS. MAINIGI: I don't think so, Your Honor,
5 because this particular witness did not get this document.
6 So if he's the head of the Anti-Diversion and he did not get
7 this document, I don't know what kind of notice it serves
8 as, and it is otherwise hearsay.

9 THE COURT: Okay. I'll sustain the objection for
10 now. Maybe you can get it in some other way.

11 BY MR. FULLER:

12 Q. All right. 9809. Mr. Mone, do you recognize this
13 document which is Plaintiffs' 9809?

14 A. I do not.

15 MR. FULLER: Judge, I would move this one in for
16 the record. This is, again, another stipulated document.
17 It's by Cardinal's counsel to DOJ and it revolves around the
18 Valencia distribution center and promises made by Cardinal.

19 MS. MAINIGI: Your Honor, I object. I disagree
20 that this is a stipulated document. I do not believe it is.
21 Perhaps I'm wrong and Mr. Fuller can show me that. But our
22 records do not indicate this is a stipulated document.

23 We've already established there's no personal knowledge
24 related to this document. And, more significant than that,
25 Your Honor, is that it's completely irrelevant to

1 Cabell/Huntington.

2 The Valencia distribution center is in California.

3 This document is a letter from outside counsel for Cardinal
4 to the DEA related to this facility in Valencia, California.
5 It has nothing to do with anything here, Your Honor.

6 THE COURT: I'll sustain the objection, Mr.
7 Fuller.

8 MR. FULLER: Yes, Your Honor.

9 BY MR. FULLER:

10 **Q.** 14122. Mr. Mone, do you recognize this document?

11 **A.** The first page of the document is an email from Tony
12 Romano on 5/6 of 2008.

13 MS. MAINIGI: Mr. Fuller, could I get a copy of
14 the document, please?

15 THE WITNESS: It reflects -- it's a series of
16 PowerPoint slides.

17 BY MR. FULLER:

18 **Q.** And who is Mr. Romano? Do you know?

19 **A.** Mr. Romano -- I don't recall what his title was, but he
20 worked in the sales operations area. And I'd like to think
21 that he was the, the training expert.

22 **Q.** Well, it says "Director of Sales Training" there on his
23 signature line; right?

24 **A.** It would help -- I apologize. I didn't read the whole
25 document.

1 Q. This was sent on or about May 6th of 2008; is that
2 right?

3 A. That is correct.

4 Q. And he's providing you with these PowerPoints as well
5 as, apparently, two video presentations that were given as
6 part of the training at Cardinal; correct?

7 A. Correct.

8 Q. And that was something that you would be somewhat
9 involved in, particularly as to the training related to QRA;
10 is that right?

11 A. Yes, that is correct.

12 Q. And you've seen some of these slides in the past;
13 correct?

14 A. I have.

15 MR. FULLER: Your Honor, at this point I would
16 move in Plaintiffs' 14122 into evidence.

17 THE COURT: Any objection to 14122?

18 MS. MAINIGI: No, Your Honor.

19 THE COURT: It's admitted.

20 BY MR. FULLER:

21 Q. Now we have it up on the screen.

22 A. Okay.

23 Q. And this packet includes several different
24 presentations; is that correct?

25 A. It, it does.

1 **Q.** If you could turn to Page 3 of the document. It's
2 talking about the kick-off. Do you see George Barrett
3 there? Who's George Barrett? Do you know?

4 **A.** At the time, George Barrett was the vice chairman of
5 the supply chain division of Cardinal Health as well as the
6 CEO.

7 **Q.** And Jeff Henderson, do you know who he is?

8 **A.** He was the chief financial officer of the organization.

9 **Q.** And Mark Hartman, he's your boss; is that correct?

10 **A.** That is correct.

11 **Q.** Turn to -- go back to Page 8. Actually -- I'm sorry.
12 Let's go to Page 10.

13 **A.** Page 10?

14 **Q.** Yes.

15 **A.** Yes, sir.

16 **Q.** All right. Can you blow that up. Thank you.

17 It's talking about DEA guidance. Do you see that?

18 **A.** That is the title of the slide.

19 **Q.** And are you aware of what Cardinal needs to do to
20 ensure compliance with both the Controlled Substances Act as
21 well as implementing regulations?

22 **A.** I have a general knowledge of what was expected, yes.

23 **Q.** And is that sort of a two-step process, meaning that
24 you have to maintain effective controls to prevent
25 diversion?

1 **A.** The, the statutory requirement of the Controlled
2 Substances Act says to maintain effective controls against
3 diversion.

4 **Q.** Okay. And then there's a separate reporting
5 requirement, isn't there?

6 **A.** There is a reporting requirement.

7 **Q.** And that required you to report suspicious orders when
8 discovered. Those would be orders of unusual size, pattern,
9 and frequency. Correct?

10 **A.** They would be orders of unusual size, orders deviating
11 substantially from a normal pattern, and orders of unusual
12 frequency.

13 **Q.** In your triggering system, the way it was designed only
14 measured orders of unusual size; correct?

15 **A.** It did not.

16 **Q.** Okay. So let me ask it differently. Your threshold
17 system only measured orders of unusual size; correct?

18 **A.** No, it did not.

19 **Q.** How did -- explain to the Court how your threshold
20 system monitored orders of unusual pattern or frequency.

21 **A.** The threshold system, while it used a reference number
22 of the threshold, we produced additional reports below the
23 threshold number that the pharmacist would analyze, and
24 reports that would look at pattern and frequency, as well as
25 the fact that the threshold system itself in looking at that

1 order that broke a particular size, that -- in the analysis
2 you could look at all of the orders below that to assess a
3 pattern, assess a frequency.

4 And in doing so on a 30-day rotational basis, you were
5 able as a pharmacist, member of the team, to analyze all of
6 the additional characteristics; its size, unusual size,
7 deviating substantially from a normal pattern, and unusual
8 frequency.

9 So the system itself is a very broad, comprehensive
10 system.

11 **Q.** And let me back up and maybe my question was a little
12 unfair, so let's go back.

13 As to the triggering mechanism, being the threshold,
14 that's based on volume in and of itself; correct?

15 **A.** The threshold -- the threshold is based upon the -- the
16 threshold is based upon a number, a size.

17 **Q.** Okay. So my question pertains just to the threshold
18 and the triggering event. That only measures volume; right?

19 **A.** The threshold itself in the way it's constructed
20 assesses a volume analysis. But inside that volume
21 analysis, because you are looking at specific orders for
22 specific -- specific orders for specific customers, you are
23 able to do in that analysis the deviating from an unusual
24 frequency, unusual frequency, and the rest of --

25 THE COURT: I'm going to have to interrupt you.

1 I've got a technological breakdown here.

2 (Pause)

3 It's working. Yeah, that's fine.

4 BY MR. FULLER:

5 **Q.** So that additional analysis is what your pharmacist
6 would do; correct?

7 **A.** The pharmacist team, yes, that is correct.

8 **Q.** And here if we go back to the PowerPoint, it says,
9 "Reporting suspicious orders to the DEA does not relieve the
10 distributor of the responsibility to maintain effective
11 controls to prevent diversion."

12 And you agree with that; correct?

13 **A.** First of all, this is not my slide. I believe if you
14 are looking to the correspondence that that statement does
15 appear in DEA correspondences.

16 **Q.** My question is, as the one running the Anti-Diversion
17 Control Program at Cardinal for the Chapter 2 time frame, do
18 you agree with that statement?

19 **A.** Yes. The reporting of suspicious orders is not the
20 totality of the obligation.

21 **Q.** And a registrant, such as Cardinal, has an obligation
22 beyond just reporting suspicious orders; correct?

23 **A.** It does. The, the obligation is to maintain effective
24 controls against diversion. And amongst, amongst others,
25 you've got the security requirements that are associated

1 with the distribution centers. So, yeah, there are things
2 beyond just that one particular regulation.

3 **Q.** So do you agree that shipping suspicious orders is not
4 maintaining effective controls against diversion?

5 **A.** I would not agree. The, the obligation is to report
6 suspicious orders. The, the regulation says develop a
7 system, implement that system to report suspicious orders of
8 controlled substances. That's the obligation.

9 **Q.** But you also have an obligation to maintain effective
10 controls to prevent diversion; right?

11 **A.** In, in the CSA there is that requirement to maintain
12 effective controls against diversion.

13 **Q.** And, and according to Mr. Mone, effective controls
14 still means we can still ship out onto the streets, into
15 pharmacies suspicious orders?

16 **A.** No, it does not.

17 **Q.** So we must not ship suspicious orders to prevent
18 diversion?

19 **A.** Suspicious -- once a suspicious order is identified,
20 that suspicious order is reported, is reported to DEA and
21 not shipped to the customer.

22 **Q.** And, so, do you -- I'm a little confused now because
23 what I'm trying to figure out, since it's obviously an issue
24 in the case, is whether maintaining effective controls
25 requires us to not ship suspicious orders.

1 If we're going to maintain effective controls to
2 prevent diversion, how can we ship an order that's
3 determined to be suspicious?

4 MS. MAINIGI: Objection, Your Honor. I think this
5 has been asked and answered and I'd also like a
6 specification as to the time frame.

7 THE COURT: It's certainly been asked and
8 answered. So I'll sustain the objection.

9 BY MR. FULLER:

10 **Q.** Mr. Mone, let's turn to Page 17. Did you utilize
11 the sales force to assist with your Anti-Diversion
12 system?

13 **A.** The sales force was a component of the SOM system.
14 They did participate.

15 **Q.** And here it mentions that they're the boots on the
16 ground and the front line defense. Do you agree with that?

17 **A.** I believe that the sales force were the first line of
18 the front line -- I wouldn't necessarily call it the front
19 line of defense. My analysis on it is they're the front
20 line of visibility for the company.

21 **Q.** And they have the most, probably, interactive contact
22 with the customer; is that right?

23 **A.** They do.

24 **Q.** We'll keep working our way through this. Let's go back
25 to Page 86.

1 During this time when you arrived at Cardinal's
2 headquarters in November -- excuse me -- December of 2007,
3 do you believe that this country was facing an opioid
4 epidemic?

5 **A.** I believe that since the first person chewed on a leaf
6 and found a berry that they liked and it caused a reaction
7 in the brain that society has had a substance use disorder.

8 I -- I'm not -- I can't tell you whether it's an
9 epidemic or not. I'm not an epidemiologist. But I can tell
10 you with certainty that we have a public health crisis with
11 the use of medicines.

12 **Q.** And was that -- did we have a public health crisis
13 related to the use of medicines related to opioids back in
14 2006 and 2007?

15 **A.** We did.

16 **Q.** Do you know if we have that public health crisis in
17 Cabell County?

18 **A.** I have no specific knowledge about the county's public
19 health crisis. But what I can tell you is systemically
20 across the United States --

21 **Q.** It's everywhere?

22 **A.** -- we have an issue with regard to the substance use
23 disorder that originates with the prescribing of controlled
24 substances. And, and, of course, obviously, controlled
25 substances includes opioids.

1 Q. So let's keep going. Let's turn to Page 100.

2 Here we're going to talk a little bit about your
3 on-boarding process. Is there a process that you go through
4 under your system at Cardinal when you're bringing on a new
5 pharmacy?

6 A. We did have a process to, to bring on a, a new
7 customer.

8 Q. And that process requires a site visit; correct?

9 A. It did.

10 Q. That process also required a new customer
11 questionnaire; is that correct?

12 A. It did.

13 Q. That's a questionnaire that you had devised and
14 implemented at Cardinal; correct?

15 A. We -- the team, you know, it was a team effort. It's
16 not one person. It was a team effort to develop the
17 questionnaire to ascertain facts that we felt were relevant.

18 Q. Your department?

19 A. Oh, yeah.

20 Q. You also came up with other information that you had
21 gathered related to these new customers; correct?

22 A. Yes, we would gather additional information.

23 Q. What would that include?

24 A. Well, to the extent, you know -- obviously, the first
25 two requirements is to recognize that the entity had a state

1 license and, where required, a state controlled substance
2 license and a DEA registration.

3 And we would have folks collect demographic data,
4 information such as how close they were to a hospital,
5 information about the types of patients, you know, whether
6 they had, whether they took care of senior citizen centers,
7 you know, trying to get -- again, the questionnaire was
8 about know your customer, know the characteristics of the
9 customer to be able to understand their business needs.

10 **Q.** Would you tend to validate the information provided by
11 the customer?

12 **A.** Where the information was subject to objective
13 validation like, like the DEA license and the Board of
14 Pharmacy license, yes, we would, we would attempt to do so
15 where we could obtain objective information.

16 **Q.** It also lists here on the PowerPoint existing stores
17 that have a 12-month total dollar purchase from prior
18 wholesaler and if computer can provide a breakdown of the
19 monthly purchases of controlled substances. That's
20 important. Correct?

21 **A.** Yes. If they were transitioning from a different
22 wholesaler to us, so they were -- you know, a new store to
23 us, we would look at in terms of understanding and look for
24 the consistency between the representations they made on the
25 customer questionnaire to the data that they provided.

1 Q. And all this is part of being vigilant as a
2 distributor, as a registrant to ensure we're not
3 over-supplying somebody; correct?

4 A. It is all part of the due diligence process to make a
5 decision as to whether or not an individual customer would
6 become a Cardinal Health customer.

7 Q. Now, could a customer refuse to provide some of this
8 information?

9 A. If a customer -- could they? Yeah, a customer could
10 refuse to provide some of that information. Then we would
11 take that under consideration as to whether or not to open
12 them up or not.

13 Q. Meaning that might be a red flag; right?

14 A. We would consider that a, a -- we would consider it
15 amongst the totality of the circumstances as to whether or
16 not we would open a customer and allow them to purchase
17 medicines from us.

18 Q. And what about top prescribers? Would you obtain that
19 information from them?

20 A. Initially because -- in the initial stages of where we
21 were in the development of the program and because much of
22 the, much of -- not the totality of, but much of the
23 emphasis was on internet pharmacies, the top prescribers
24 were an element of analysis.

25 Q. And then a determination is made as to whether to sign

1 on that customer?

2 **A.** That is correct.

3 **Q.** And who determines what the threshold is going to be
4 initially for the customer?

5 **A.** It was -- the initial thresholds were determined based
6 upon an analysis by the analytics team and the pharmacist
7 team after they have made a determination that the
8 information on the customer was sufficient to open up a
9 customer.

10 **Q.** Now, let's still deal with new customers, but let's
11 switch over to chains. Did chains go through a different
12 process in on-boarding?

13 **A.** Chains did go through a different process in
14 on-boarding.

15 **Q.** And was that controlled by your department or some
16 other department?

17 **A.** It was still controlled by our department.

18 **Q.** And who had control of whether a chain was on-boarded?

19 **A.** Still our -- still our team had a -- had the decision
20 as to whether or not a new chain would be added to, as a
21 customer.

22 **Q.** And this important information that we've been talking
23 about, would you get the same information from the chain
24 customer?

25 **A.** Sometimes we did, sometimes we did not.

1 **Q.** Why would there be occasions where you would not?

2 **A.** The occasions where we would not were situations where
3 the, the, the, the data either was not available because it
4 was a, it was a brand new store, there was nothing there,
5 you know, they put a new building in, and sometimes we would
6 use the analysis of the characteristics of the chain in
7 terms of whether it's a 24-hour store, where it was located
8 to place them in the segmented categories that we may have
9 had for that particular chain.

10 **Q.** Were there certain chains that wouldn't provide you
11 information when requested; for example, CVS?

12 **A.** To the best of my recollection, whenever we requested
13 information, we received the information from the chain in
14 order to enable the, the, the pharmacist team to make a
15 decision.

16 **Q.** And then on top of that, I think you stated in the past
17 that you would determine what their SOMS system was; is that
18 correct?

19 **A.** We would determine based upon the factors that we knew
20 about, the new location, where they fit in terms of
21 characteristics, recognizing that the, the chain itself had
22 some fairly unique, you know, standard characteristics;
23 24-hour stores, you know, where they were located, et
24 cetera, put those into the segmentation. And we would
25 segment them and start their initial thresholds at that

1 segmented area, you know, whatever we -- wherever we
2 categorized them, you know.

3 **Q.** My question was a little different than that. Do you
4 know what type of SOMS system that the chains had?

5 **A.** Oh, that the chains themselves have?

6 **Q.** Yes.

7 **A.** I do not know what -- I do not know the specifics of
8 the systems that the chains themselves used.

9 **Q.** So were you during this time frame relying on the
10 chains to conduct their own due diligence?

11 **A.** No, we were not relying on the chains to do their own
12 due diligence. We were in a collaborative and cooperative
13 relationship with the chains to communicate information back
14 and forth. We didn't rely on them. We did our own analysis
15 based upon what we would discern.

16 **Q.** Now let's go to Page 114.

17 **A.** Yes.

18 **Q.** Here we're dealing with thresholds; right?

19 **A.** Yes, sir.

20 **Q.** And under your time frame, thresholds were
21 non-disclosable to sales as well as to customers; is that
22 right?

23 **A.** This is correct.

24 **Q.** And that's because you believed that it would be -- or
25 raise the eye of someone if you were telling them what their

1 thresholds were; correct?

2 **A.** My belief in not disclosing the threshold was that I
3 didn't want customers to know specifically what their
4 threshold was in case they wanted to attempt to manipulate
5 the threshold system, recognizing that once they had a DEA
6 registration, they could purchase from any wholesaler.

7 **Q.** And a lot of pharmacies had a secondary purchaser as
8 relates to a distributor; correct?

9 **A.** I, I believe that it's probably fair to say that every
10 pharmacy had at least a secondary wholesaler.

11 **Q.** And if someone knew what their threshold was, they
12 could order up to a threshold and then turn around and go to
13 their secondary for the same drug class or drug family to
14 order additional product; correct?

15 **A.** And that was the reason why we initially decided not to
16 disclose the threshold.

17 **Q.** And, and let's walk through a little more on these
18 thresholds in detail.

19 So the Court understands, each drug family or base code
20 has its own individual threshold; is that correct?

21 **A.** That is correct, in the system that we implemented.

22 **Q.** Of particular relevance to us in this case is that
23 oxycodone and hydrocodone would each have their own
24 independent threshold. Is that true?

25 **A.** That is correct.

1 Q. Now, at some point, you guys began to use sub base
2 thresholds; correct?

3 A. Yes, we did.

4 Q. And --

5 A. I don't recall when that occurred.

6 Q. And that was a system where we looked at the more
7 abused substances and set a separate threshold for those;
8 for example, maybe oxy 30. Correct?

9 A. The, the sub segmentation of a particular family was
10 designed to gather information about the, the prescribing
11 because it all starts with prescribing, the prescribing and
12 dispensing at that particular location. It gives a better
13 analysis than just a single number which is, in fact,
14 continuous quality improvement.

15 Q. And another reason we don't disclose the threshold is
16 because we want to capture the intent of the customer; is
17 that right?

18 A. That, that's the analysis that I used in terms of
19 capturing intent.

20 Q. Explain to the Court what we mean by capture the
21 intent.

22 A. Well, I wanted to capture -- I didn't want the
23 customer -- first of all, I didn't want the customer to
24 manipulate the system by knowing the threshold and doing
25 other things. But capturing their intent was to see that

1 they would hit the threshold and then move to a secondary
2 supplier.

3 Why I wanted that particular information, recognizing,
4 of course, that the first time we hit the threshold, they
5 could just figure out what the threshold was. I wanted it
6 to be able to set-off for our team that initial inquiry into
7 that particular customer.

8 So I captured their intent, their growth, what was
9 happening with the customer so that we could make
10 appropriate investigation of what was happening with the
11 customer.

12 **Q.** Let's go next to Page 120.

13 All right, QRA evaluation. Now, at this point in the
14 process, we went from having a threshold. Now this is the
15 discussion related to evaluating that threshold event.
16 Correct?

17 **A.** Yes, sir.

18 **Q.** All right. And then it says here that one of the
19 things that you're going to do is you're going to review
20 12-month historical purchases; is that right?

21 **A.** Yes, sir.

22 **Q.** And that means the sales of that customer -- sales of
23 Cardinal to that particular pharmacy?

24 **A.** That is correct, assuming, of course, we had 12 months
25 of data.

1 Q. Sure. Assuming they have been a customer for 12
2 months?

3 A. Right.

4 Q. Now, you could also obtain what's called -- I think
5 it's called a Drug Utilization Report from the pharmacy
6 itself; correct?

7 A. We would, we would often -- the pharmacist would often
8 request the Utilization, yes.

9 Q. When you say "the pharmacist," again we're talking
10 about Cardinal's pharmacist?

11 A. Yes.

12 Q. And explain to the Court what a Drug Utilization Report
13 is from one of your customers.

14 A. So a Drug Utilization Report is a, is a
15 computer-generated summary of -- without patient data, so
16 there's no -- because of HIPAA laws, there's no patient
17 data. It's a summary description of the drug and, depending
18 upon the system, you know, the number of prescriptions, the
19 quantity of those, the quantity dispensed for that
20 particular drug family.

21 So a Drug Use Report would be the dispensing
22 information that was, was performed by the pharmacy pursuant
23 to prescriptions presented to it.

24 Q. So, basically, from the Drug Utilization Report you
25 could see what that pharmacy is dispensing; correct?

1 **A.** We could see the total quantity of the drugs.
2 Depending upon the, the nature of the report, yes, we should
3 be able to see in the Drug History Report the total quantity
4 dispensed.

5 **Q.** That would also give rise to determining whether
6 they're ordering from someone else; correct?

7 **A.** You could infer that, you know. Because the delta
8 between those two numbers may, in fact, depending upon the
9 number, be the, the drug quantity that's on the shelf at the
10 pharmacy. So it requires a little bit of analysis, but
11 you're teasing out information as best you can.

12 **Q.** The second point here is the questionnaire sent by
13 sales operations to customers to inquire about the order.
14 "Why" basically? Correct?

15 **A.** The "why." Why did you need this? What's going on?
16 What's changed?

17 **Q.** And that questionnaire -- during your time, was it
18 electronically completed?

19 **A.** It varied, you know. At the beginning of the system,
20 we were paper-based. At the beginning of the system, we
21 were paper-based and fax-based and what have you. As we
22 designed and continued to improve the system, it became
23 electronic.

24 **Q.** Now, just so we're clear, you said the beginning of the
25 system. You're talking about when you arrived in 2007,

1 2008?

2 **A.** Oh, yeah. At the beginning -- at the beginning of the
3 implementation of the changes to migrate to this type of
4 system, we were paper-based.

5 **Q.** Next Power -- next point says "Questionnaire sent to
6 QRA by customer, the plausibility evaluation."

7 **A.** Yes.

8 **Q.** Is that where you're evaluating the basis of their
9 explanation?

10 **A.** That is where the pharmacist team would take the
11 information based upon their knowledge and experience, the
12 pharmacist and analytics, to look at the data that was
13 coming back and to make a decision what to do with that
14 order.

15 **Q.** And this is verified by a site visit?

16 **A.** There, there were opportunities whereby the pharmacist
17 team, in their evaluation, would say this is plausible,
18 plausibility evaluation. If the order is not suspicious,
19 let's go look at the pharmacy to see the rest of the story,
20 the totality of the story, you know. And we would set up
21 our investigatory team to go do a site visit.

22 **Q.** And this is all a process that has to be gone through
23 when we have a triggering event to clear an order; correct?

24 **A.** Not necessarily. This process -- the, the verification
25 by a site visit was not an absolute default. As I said

1 earlier in the last response, the pharmacist may determine
2 that the order was okay, the plausibility piece. But in, in
3 their professional decision, they wanted a site visit.

4 And, so, they would set up a site visit with the
5 investigatory team. It didn't change the nature of their
6 assessment of the order. It just said let's go to the
7 customer for the rest of the story.

8 **Q.** This process that's gone through, we would see some of
9 that documented in the due diligence file for that
10 particular customer; correct?

11 **A.** In the early stages of the system, those -- the
12 documentation would be on paper in a file. Later on, that
13 information was retained in an electronic system.

14 The documentation was not the totality of the -- what
15 was going on in the heads of the professionals that we were
16 using. It may simply have been a summary analysis, a
17 shorthand version of, say, yes, I've done my diligence and
18 I've done the totality of the circumstances review and I've
19 made a decision.

20 **Q.** But we're going to have the questionnaire -- we're
21 going to have the response to the questionnaire. Any of
22 that additional information is going to be compiled in that;
23 correct?

24 **A.** Some of that information -- you know, the questionnaire
25 more than likely would be there. Some of that information

1 would be retained.

2 However, depending upon the time frame and the
3 circumstances, not every document is going to be in
4 existence today 12 years later -- well, 11, however many
5 years later we are -- on a paper system. Some of those
6 paper systems were -- the records retention policy was two
7 years and some of those paper documents don't exist any
8 more.

9 **Q.** Let's go to Page 122.

10 THE COURT: Let me ask you a question that just
11 occurred to me. And I'm sorry to interrupt the flow here
12 and I may have missed it. But did DEA provide any guidance
13 or have any input into how you determined your threshold
14 requirements?

15 THE WITNESS: Absolutely none. The DEA -- the DEA
16 said, "You built the system. It's your system and your
17 responsibility," essentially. So they didn't, they didn't
18 provide any of the substantive guidance on how to --

19 THE COURT: So you determined the way you
20 established the threshold requirements completely on your
21 own?

22 THE WITNESS: There -- so when counsel asked me
23 the question about the multiplication times three, to the
24 best of my recollection, there was a DEA public -- I forget
25 what it's called -- Advisory Committee, Public Advisory

1 Committee whereby they came together and made some
2 recommendations. We used that same kind of -- because it
3 was on the DEA site, we sort of used it as a framework
4 within which to make our decisions about thresholds.

5 THE COURT: I completely interrupted your flow
6 there, Mr. Fuller.

7 MR. FULLER: You can interrupt any time, Judge.

8 THE WITNESS: You get to do that.

9 BY MR. FULLER:

10 Q. And the Court had a great question. The, the
11 involvement of the DEA -- you referred to, I think,
12 what's referred to as the chemical handlers; right?

13 A. Yes.

14 Q. And chemical handlers is designed based, I think you
15 stated, on the Meth Act?

16 A. To the best of my recollection, yes.

17 Q. And it's designed to identify extraordinary orders of
18 List I chemicals; is that right?

19 A. Yes, I believe that's accurate.

20 Q. So it's not necessarily applicable to controlled
21 substances unless they contain List I chemicals.

22 A. It's not necessarily -- you're right. It is not
23 necessarily applicable, but it does provide a reasonable,
24 rational framework within which to begin a discussion or a
25 thought process about how to develop such a system.

1 Q. And that system is designed, or the chemical handlers
2 is identifying extraordinary sizes of List I chemicals;
3 correct?

4 A. That is correct.

5 Q. Okay. Let's change to -- so the QRA evaluation --

6 A. Yes, sir.

7 Q. -- determination has to be made at Cardinal as to
8 whether an order is plausible and suspicious or not
9 plausible and suspicious; correct?

10 A. Yes.

11 Q. And it, it's determined -- if the order is not
12 plausible and suspicious, you set out the process that's
13 going to occur; correct?

14 A. Yes. And the only point that I would make note of is
15 that the order was already blocked because it -- you know,
16 in most instances because it had a threshold.

17 Q. It blocked at the triggering mechanization we looked at
18 earlier; correct?

19 A. Yes, correct.

20 Q. And then the suspicious order has to be reported to the
21 DEA; is that right?

22 A. Once you determine that it is suspicious, the order is
23 reported to the Drug Enforcement Administration.

24 Q. Sales is notified as well; right?

25 A. That is correct.

1 **Q.** And then the customer's terminated from purchasing
2 controlled substances or in totality; right?

3 **A.** In, in, in, in the operation of the system, we either
4 did not let them purchase controlled substances or, you
5 know, that controlled substance or other related controlled
6 substances or in totality.

7 And in many instances, there were circumstances where
8 we even cut off their non-controlled substance ability, the
9 ability to order non-controlled substances.

10 **Q.** Now, during your tenure, were you more focused on
11 reporting suspicious customers as compared to reporting
12 suspicious orders?

13 **A.** No, we reported -- the regulatory requirement is to
14 report suspicious orders, and we reported suspicious orders.

15 **Q.** So you never -- strike that. So every customer that
16 you reported during your time frame, you either terminated
17 them from purchasing controlled substances or in totality;
18 correct?

19 **A.** I do not --

20 MS. MAINIGI: Objection. I think that misstates
21 his testimony.

22 THE COURT: Can you rephrase the question, Mr.
23 Fuller?

24 MR. FULLER: Sure.

25 THE COURT: I'll sustain the objection.

1 BY MR. FULLER:

2 Q. The process laid out here has the customer being
3 terminated from purchasing controlled substances or in
4 totality; correct?

5 A. That is the statement on the slide, yes.

6 Q. Let's turn to Page 126.

7 Now, this talks about proactive threshold analysis. Do
8 you see that?

9 A. I do.

10 Q. And it gives us some of the reasons for increasing a
11 threshold, does it not?

12 A. These, these characteristics could be characteristics
13 associated with increasing the threshold.

14 Q. Okay. It says "Things You Do." It says "Our People."
15 What does that mean?

16 A. The, the basic parameters around where we built the
17 corporate-wide effort was Anti-Diversion is everyone's
18 responsibility. So we built a team effort so our people --
19 all of our people would be engaged in the process because it
20 comes back to -- any system is three things, you know. A
21 first semester MBA student knows it's people, process, and
22 technology.

23 Q. Then it's "Know Your Customer." That's part of the
24 process; correct?

25 A. Yes.

1 **Q.** Gather information and provide to QRA, significant
2 change in business. If there is a significant change, that
3 would be a legitimate reason for changing the threshold?

4 **A.** These are characteristics that would demonstrate a, a
5 justification for a change in threshold.

6 **Q.** First one being a new Hospice contract?

7 **A.** Yes.

8 **Q.** What that's referring to is if they gain a massive
9 customer of some sort, that may be a legitimate reason to
10 increase or change a threshold?

11 **A.** It doesn't have to be a massive customer. It just has
12 to be a change -- it's a change in their business that would
13 be reflected in the prescriptions that doctors were
14 prescribing that the pharmacy would be dispensing for
15 patients which would obviously change the need to order
16 controlled substances to meet and care for the patients that
17 were in Hospice.

18 **Q.** The next one is file purchase of another pharmacy;
19 basically, where one pharmacy buys out another. Is that
20 right?

21 **A.** Yes.

22 **Q.** Location change into the medical center, another reason
23 to change or increase a threshold?

24 **A.** They would be -- not necessarily reasons to increase a
25 threshold, but they would be reasons to be looked at as to

1 why a threshold change might be necessary. In some
2 instances, you might wait for the threshold to hit. Other
3 instances, you may do a proactive analysis.

4 **Q.** And the final one listed is addition of a new cancer
5 center; correct?

6 **A.** Yes, sir. It changes the dynamics of, you know, as I
7 said earlier, the relationship of the pharmacy let's say to
8 the hospital, and then the hospital builds a brand new
9 cancer center and it acquires a different number of
10 patients, and the patients are going to be treated
11 differently.

12 **Q.** And in the validation process of QRA and keeping the
13 due diligence file, you would want to see this type of
14 documentation to support this kind of change?

15 **A.** Depending upon the circumstances and the time, you
16 know, the timing of where we were in the process. The
17 documentation would ordinarily be there for the pharmacist,
18 and the team would use that, you know, evaluation, make the
19 evaluation and make a change.

20 **Q.** Now let's go to Page 128. This is the decision impact,
21 the impact of whatever decision is made by QRA?

22 **A.** Yes.

23 **Q.** If the order is justified, additional products from the
24 original order may be released up to the new threshold
25 amount. That's assuming there was a change in threshold or

1 an increase in threshold; right?

2 **A.** It does make that assumption, yes.

3 **Q.** And if that due diligence has been done, it would
4 justify a basis for increasing the threshold, then they can
5 order up to that order amount; is that right?

6 **A.** Yes, sir.

7 **Q.** Next point: If the threshold is not increased, the
8 remaining of the product is cut from the original order --
9 excuse me -- if the threshold is not increased, the
10 remaining product from the original order will be cut. It
11 means we keep the blocked order blocked.

12 **A.** Correct. The order is blocked.

13 **Q.** If the size of the original order is not justified, QRA
14 will send the report to the DEA, or Drug Enforcement
15 Administration, and a block will be applied to all families
16 of controlled substances. Correct?

17 **A.** That is what's stated there, yes.

18 **Q.** Okay.

19 MR. FULLER: Judge, I'm sorry. I moved that one
20 into evidence already.

21 BY MR. FULLER:

22 **Q.** P-1930. Mr. Mone, do you recognize -- let me ask
23 you, do you recognize this document?

24 **A.** The first page is an email from me on 10/1 of 2008 to
25 Chris Anderson.

1 Q. And who is Chris Anderson? Do you know?

2 A. Okay. I learned from the last time I'm going to read
3 what it says down below. He is the Director of Operational
4 Excellence and Quality Systems.

5 Q. There's always a good way to cheat a little bit, huh?

6 A. Yeah.

7 Q. All right. It says here -- you write to Chris, and
8 this is October 1st of 2008, that, "I made a few changes to
9 the slides and some information has changed a bit." Right?

10 A. Yes, sir.

11 Q. And you attached several documents -- well, actually, I
12 think it's one PowerPoint presentation. Correct?

13 A. The documents, I believe, originated with Chris.

14 Q. Right. You're sending them back to him after you made
15 some changes?

16 A. Yes, yes.

17 Q. And have you seen these slides before as well?

18 A. I undoubtedly have seen these slides before, but I
19 don't recall them currently, you know. It's 12 years ago.

20 MR. FULLER: Your Honor, I would move into
21 evidence Plaintiffs' 1930.

22 THE COURT: Any objection to 1930?

23 MS. MAINIGI: No objection, Your Honor, provided
24 that the witness can corroborate a foundation. I note that
25 there are some notes on the page in addition to the slides.

1 And the witness has testified that he's flipped through the
2 slides. I don't know if he can corroborate the notes that
3 are on the slides.

4 BY MR. FULLER:

5 **Q.** Mr. Mone, let me ask a question. Mr. Mone, when
6 you went through this, were you reviewing the totality
7 of the PowerPoint?

8 **A.** To the best of my recollection, I was reviewing my
9 components of the slides.

10 **Q.** And you made edits to those?

11 **A.** Apparently, I did. What those edits were, I don't
12 recall what they were.

13 **Q.** Sure. You don't have an independent recollection today
14 of what edits you made?

15 **A.** Right.

16 **Q.** But according to your statement in the email, you made
17 edits and then you sent it back?

18 **A.** Yes.

19 MR. FULLER: Judge, I would move for the
20 admission.

21 MS. MAINIGI: Your Honor, I still don't think a
22 foundation has been laid for the notes portion of the
23 slides.

24 THE COURT: Did you make the notes, Mr. Mone?

25 THE WITNESS: I did not.

1 THE COURT: Do you know who did?

2 THE WITNESS: I do not.

3 MS. MAINIGI: I'm fine with admitting it without
4 the notes.

5 THE COURT: Let's excise the notes and admit it
6 without the notes. How about that, Mr. Fuller? Are you
7 happy with that?

8 MR. FULLER: Judge, I think he would have reviewed
9 it, but that's fine. I don't have any objection.

10 THE COURT: Okay. 1930 is admitted, but the Court
11 will not consider the notes. They're not -- the notes are
12 not admitted. The rest of the exhibit is admitted.

13 MR. ACKERMAN: Your Honor, --

14 BY MR. FULLER:

15 Q. Mr. Mone, turn to Page 18 of the document.

16 A. Yes, sir.

17 Q. This is the idea of the mentality behind your system,
18 isn't it? First we identify; correct?

19 A. Correct.

20 Q. That's through our triggering system?

21 A. Right.

22 Q. Then we block, meaning we can't ship the order; right?

23 A. That is a component of the triggering system.

24 Q. Then we have to conduct due diligence. And if we don't
25 surpass the due diligence threshold, meaning clear the

1 order, then it has to be reported to the DEA?

2 **A.** If we determine that it is suspicious, it is reported
3 to the DEA.

4 **Q.** If you turn to the next page. The methods of diversion
5 that you were concerned about at Cardinal included several;
6 correct?

7 **A.** Yes, sir. That's on the slide.

8 **Q.** Including indiscriminate prescribing; right?

9 **A.** That is a method of diversion, yes.

10 **Q.** Doctor shopping?

11 **A.** That is a method of diversion.

12 **Q.** Pain clinics?

13 **A.** Depending upon how you define pain clinics. I actually
14 call them prescription clinics. But go ahead, yeah.

15 **Q.** Excessive orders and distribution.

16 **A.** Yes, sir.

17 THE COURT: What do you mean by financiers there
18 as a method of diversion?

19 THE WITNESS: I have no idea because that wasn't
20 my slide. My slides are --

21 THE COURT: Okay.

22 THE WITNESS: -- from 31, and not all of the ones
23 after 31 are, are mine.

24 THE COURT: Okay.

25 BY MR. FULLER:

1 Q. So your slides are up to --

2 A. My slide starts on 31. And not all of the ones that
3 follow 31 are my slides.

4 Q. Okay.

5 A. It's the one where my history and background is
6 identified.

7 Q. 28038. Mr. Mone, do you recognize this document
8 identified as Plaintiffs' 28038?

9 A. I recognize -- do I recognize it?

10 Q. Yes, sir.

11 A. No.

12 Q. Are you identified on it?

13 A. I am identified on it.

14 Q. And is this an email from Douglas Emma to multiple
15 people, including yourself?

16 A. I am a cc on the document, yes.

17 Q. Do you have any reason to -- well, let me ask you this.
18 Who is Douglas Emma?

19 A. Doug Emma was one of the pharmacists on the QRA team,
20 our, our Cardinal Health pharmacist QRA team.

21 Q. And what was his role on the QRA team?

22 A. He was a pharmacist that was part of the evaluation of
23 the -- in the QRA team just like the other pharmacists who
24 performed their evaluation on assessment of orders.

25 Q. And is Mr. Emma sending this email to Mr. Linden Barber

1 and Mr. Gilberto?

2 **A.** He, he -- the two individuals were Linden Barber and
3 Gilberto Quintero.

4 **Q.** And who are they, or what was their role?

5 **A.** Gilberto was the new -- well, at this time, not new
6 anymore, but he's the new Mark Hartman. And Linden Barber I
7 believe at this time was outside counsel.

8 **Q.** So, basically, Gilberto becomes your boss?

9 **A.** Gilberto was my boss, yes, sir.

10 **Q.** Okay.

11 MR. FULLER: Your Honor, at this time I would move
12 in Plaintiffs' 28038.

13 THE COURT: Any objection to 28038?

14 MS. MAINIGI: Your Honor, just a hearsay
15 objection. We're fine with this as long as it's not
16 admitted for the truth.

17 THE COURT: Do you want to admit it for the truth?

18 MR. FULLER: Absolutely, Judge. It's an email
19 from an investigator inside QRA reporting on what he does in
20 QRA.

21 THE COURT: Okay. How do you get around the
22 hearsay?

23 MR. FULLER: It's an admission, Judge. It would
24 be 801(d) (2) (D), a statement made by the party's agent or
25 employee on a matter within the scope of that relationship

1 while it existed.

2 THE COURT: It's admitted.

3 BY MR. FULLER:

4 Q. This email is on June 12th of 2012; is that right?

5 A. It is.

6 Q. Now, based on our timeline from the other documents
7 admitted into evidence, we know that the Immediate
8 Suspension Order was issued down in Lakeland in February of
9 2012; correct?

10 A. That is correct.

11 Q. So this is while that issue is pending. Is that fair?

12 A. I don't recall when the issue was resolved. It may or
13 may not be.

14 Q. Let me ask it differently. The issue with the second
15 MOU had at least started when this email has occurred. It
16 may have concluded. We just don't recollect?

17 A. I, I think that's a fair representation of what I
18 remember.

19 Q. Okay. Let's walk through this. It says, "This is
20 follow-up to a discussion we had on our conference call
21 regarding the suspected hot spots, black hole cases, and
22 cases that probably need to be revisited by LV-TAC." Right?

23 A. You read that correctly.

24 Q. And explain to the Court -- well, let me help you.
25 LV-TAC is a special committee within Cardinal; is that

1 right?

2 **A.** It is a special committee that was created within
3 QRA -- within Cardinal, yes, yes.

4 **Q.** And it was members of the QRA department; right?

5 **A.** Yes.

6 **Q.** And it would look at special instances or particular
7 concerns; is that correct?

8 **A.** It would look at particular customers that were
9 identified to be looked at because of their volume of
10 controlled substances purchased.

11 **Q.** And LV stands for large volume, doesn't it?

12 **A.** It did, yes.

13 **Q.** Do you recollect who the members of that committee
14 were?

15 **A.** I know that the, that the SVP, the SVP of QRA, the VP
16 of QRA, and a bunch of folks. I apologize. I don't.

17 **Q.** Sure. Were you a member of that committee?

18 **A.** I was initially, yes.

19 **Q.** And was your boss a member, whether Mr. Quintero or Mr.
20 Hartman?

21 **A.** Mr. Hartman has been retired, so it would be
22 Mr. Quintero.

23 **Q.** Okay. And you're right. Let me back up. This
24 committee was started somewhere around the beginning of
25 2012; is that right?

1 **A.** Sometime in 2012, yes, sir.

2 **Q.** Okay. So back when you originated or came into this
3 position at QRA in Chapter 2, there was no LV-TAC?

4 **A.** That is correct.

5 **Q.** This came as a growth of the enforcement action down in
6 Lakeland; correct?

7 **A.** This came as an improvement in -- as I cite, we're
8 continuously improving the program. This came in as an
9 improvement to the program.

10 **Q.** Fair enough. It says next that, "I've taken the time
11 to illustrate a few examples. Please contact me if you need
12 anything further."

13 Now, is Mr. Emma one that would have access to a host
14 of information related to all your pharmacies?

15 **A.** Mr. Emma would have access to information that would --
16 in the ordinary course of what he did come in contact with.
17 How far broader than that may very well have been a function
18 of -- and I do not know -- participation in the LV-TAC.

19 **Q.** Now, the LV-TAC and as well as all of QRA, they weren't
20 again limited in any particular geographic area that they
21 were looking at; is that correct?

22 **A.** That is correct. It was the entire enterprise.

23 **Q.** When you say the entire enterprise, you mean the entire
24 country?

25 **A.** Correct.

1 Q. Okay. And they point out several issues here; correct?

2 A. He, he raises several.

3 Q. First are possible hot spots. Do you see that?

4 A. I do.

5 Q. That's dealing with hot spots out in Fresno,
6 California, is one of them; right?

7 A. Yes, sir.

8 Q. Then he's talking about a Medicine Shoppe. Do you see
9 that?

10 A. Uh-huh.

11 Q. Medicine Shoppe BT3743300?

12 A. I do.

13 Q. And Medicine Shoppe has a particular relationship with
14 Cardinal; is that right? I believe you testified to that
15 earlier.

16 A. Medicine Shoppe is the brand name of a franchise
17 operation for Cardinal Health.

18 Q. And I'll represent to you that the evidence will show
19 that there is a Medicine Shoppe in Cabell County -- well,
20 actually in the City of Huntington that skirts out into
21 Wayne County.

22 MS. MAINIGI: Objection, Your Honor. I think Mr.
23 Fuller is just testifying.

24 THE COURT: Well, I'll overrule it. He's just
25 laying the basis for the line of questions he's going to

1 pursue, so overruled.

2 BY MR. FULLER:

3 Q. Mr. Mone, the relationship that Cardinal has with
4 Medicine Shoppe and the franchisees --

5 A. Uh-huh.

6 Q. -- Medicine Shoppe pays Cardinal a franchise tag, if
7 you will, for becoming part of their system; correct?

8 A. My understanding of how franchises work, and I'm not a
9 franchise expert, is that the franchisees pay the franchisor
10 a fee for the ability to use the mark.

11 Q. And on top of that, Medicine Shoppe also pays for the
12 pills that they order from Cardinal; correct?

13 A. If that Medicine Shoppe is a customer of Cardinal
14 Health, they would obviously have an obligation to pay for
15 the medicines that they order.

16 Q. And are you aware whether there's licensing -- I'm
17 sorry.

18 A. I'm done.

19 Q. Are you aware whether there are licensing agreements
20 between Medicine Shoppe and the different franchisees?

21 A. I, I am not aware of what the licensing agreements are.

22 Q. My question is very simply were you aware if they
23 exist?

24 A. I have no independent knowledge that they exist, but
25 logic tells you that in order to be a franchisee, there has

1 to be a licensing agreement.

2 **Q.** And I would assume, then, that you don't have any
3 knowledge as to what control Medicine Shoppe has over the
4 franchisees and where they order controlled substances or
5 anything else from, or do you?

6 **A.** My only knowledge of the relationship is that Medicine
7 Shoppe franchisees are treated as independent retail
8 pharmacies.

9 **Q.** And that means treated differently than the national
10 chains; is that correct?

11 **A.** Treated differently than chains, that is correct.
12 They're treated just like every other retail independent
13 pharmacy.

14 **Q.** All right. Then we get down to -- well, Midwest
15 Benefit Pharmacy. That's another one listed here, correct,
16 under the hot spot section?

17 **A.** Yes, sir.

18 **Q.** Then we get down to the black hole section. Do you see
19 that?

20 **A.** I do.

21 **Q.** And there we list I believe it's just two pharmacies;
22 right?

23 **A.** There are two pharmacies identified.

24 **Q.** Van Pharmacy in Van, West Virginia. Do you know where
25 Van, West Virginia, is, Mr. Mone?

1 **A.** I have no idea, none whatsoever.

2 **Q.** Okay. And it says here, "QRA first discovered in
3 January of 2012 that the pharmacy was filling out-of-state
4 prescriptions from a pain clinic in Georgia."

5 Did I read that correctly?

6 **A.** You did read that correctly.

7 **Q.** Was that a known issue or concern at Cardinal that
8 there may be migration of pills?

9 MS. MAINIGI: Objection, Your Honor, outside of
10 geographic scope. The pharmacy is not in Cabell County.

11 THE COURT: Well, I'll overrule it. Go ahead.

12 THE WITNESS: Whenever a pharmacy was dispensing
13 pursuant to prescriptions received from practitioners
14 outside of their area, we would normally almost always make
15 an inquiry into that.

16 BY MR. FULLER:

17 **Q.** And not just in this particular instance, but that
18 was a known concern for Cardinal. That was a potential
19 red flag. Right?

20 **A.** It was a, it was a consideration based upon the
21 totality of the circumstances that we would look into.

22 **Q.** And at least here in June we've known it's been going
23 on at least as far back as January of 2012; correct? At
24 least that's what the email says.

25 MS. MAINIGI: Objection, foundation. I don't

1 think that there -- it's been established that Mr. Mone has
2 any knowledge of this besides Mr. Fuller just asking him to
3 read the email.

4 THE COURT: I agree. Sustained.

5 BY MR. FULLER:

6 **Q.** Let's go down to T & J Enterprise doing business as
7 Medicine Shoppe in Huntington, West Virginia. As I told
8 you, the evidence would show there is a Medicine Shoppe
9 in Huntington, West Virginia. Is that correct, Mr.
10 Mone?

11 **A.** It appears based upon this email that there is a
12 Medicine Shoppe in Huntington, West Virginia.

13 **Q.** And, again, keep in mind this is January of 2012.
14 "This pharmacy has experienced significant growth from the
15 stimulant drug families and new pain clinic business."

16 Do you see that there?

17 **A.** I see the statement.

18 **Q.** And one would presume that if we're seeing significant
19 growth, we're going to see some sort of documentation of
20 that in the due diligence files for Medicine Shoppe; right?

21 **A.** One would anticipate that there would be. And given
22 that it's 2012, it's likely to be in the system.

23 **Q.** And then on top of that, we're talking about growth
24 from pain clinics, which is another potential red flag, is
25 it not?

1 **A.** Only to the extent that we would make an inquiry
2 because not all pain clinics are -- not all pain clinic
3 physicians fail to meet their obligation to prescribe in
4 good faith in the course of professional practice for a
5 legitimate medical purpose.

6 **Q.** And that's why we have to do due diligence to be able
7 to make that determination; correct?

8 **A.** We have to do due diligence to satisfy ourselves that
9 the pharmacist in the dispensing of that medication is
10 meeting their corresponding responsibility in assessing the
11 prescriptions that the doctor is writing for the pain
12 clinics.

13 **Q.** And you would want to know what pain clinics they're
14 servicing; right?

15 **A.** We would want to, we would want to inquire who the new
16 pain clinic was prescribing.

17 **Q.** And you'd want to inquire as to the top prescribers,
18 and particularly if they're coming from that particular pain
19 clinic; right?

20 **A.** We would look at the prescribers of the pain clinics.
21 We -- I'm sorry. To the extent that the pharmacist who's
22 making this analysis feels that it's relevant, which I would
23 presume that they would, then, yes, the answer is they would
24 look into that.

25 **Q.** And just so we're clear, when we say the pharmacist,

1 we're talking about Cardinal's pharmacist, not the
2 pharmacist in the pharmacy.

3 **A.** Yeah. They have their own corresponding responsibility
4 in the pharmacy, but our pharmacists would make inquiry.

5 **Q.** And it says, "QRA vetted the new pediatrician
6 prescribing stimulants and nothing significant appeared from
7 a DEA and license search."

8 Did I read that right?

9 **A.** You did.

10 **Q.** It says, "A competitor in town was raided by the DEA
11 which resulted in the arrest of the non-pharmacist owner."

12 Are you aware that there was a pharmacy in Huntington
13 that was shut down by the DEA?

14 **A.** To the best of my recollection, I, I do not have any
15 specific knowledge that that occurred.

16 **Q.** Okay. Now, is that an issue that Cardinal would want
17 to be aware of?

18 **A.** The easy answer for you is "yes" because, obviously, it
19 was a concern for our pharmacist. Therefore, it is a
20 concern about what to do with the prescriptions from that --
21 patients who had been going to that pharmacy would naturally
22 be going to other pharmacies in the area. So, yes, it's a
23 relevant inquiry.

24 **Q.** And if some of those patients were illegitimate
25 patients, the pharmacy would get shut down, at least

1 according to this, by the DEA. We wouldn't necessarily want
2 illegitimate patients coming to our customers. Correct?

3 MS. MAINIGI: Objection, Your Honor. This calls
4 for speculation. We're not talking about this particular
5 circumstance. I don't know what Mr. Fuller is talking about
6 here.

7 THE COURT: Okay. Sustained.

8 MR. FULLER: I'll ask it a different way.

9 BY MR. FULLER:

10 **Q.** Is one of the concerns that you have related to a
11 DEA shutdown of a pharmacy is where are those
12 prescriptions now going to get filled?

13 **A.** Can you say the question again?

14 **Q.** Sure. I'll ask it again. When a DEA pharmacy or the
15 DEA comes in and shuts down, raids a pharmacy --

16 **A.** Yes.

17 **Q.** -- in a small town, you're going to want to be mindful
18 of that if you can be; correct?

19 **A.** When, when the DEA closes a pharmacy in any town, it
20 doesn't have to be a small town, just a town, it is a
21 relevant inquiry to, for the pharmacist to look at the post
22 shutdown changes to our customers in that area.

23 **Q.** And, so, when you're evaluating such things as
24 threshold breaches or even threshold adjustments, that's
25 part of the totality of the circumstances that Cardinal

1 wants to use in trying to make those type of decisions?

2 **A.** Cardinal would use those factors in the totality of
3 the -- the pharmacists would use that in the totality of the
4 circumstances in their evaluation.

5 THE COURT: Mr. Fuller, I'm going to pull the plug
6 on this and attend to another matter. So when you get to a
7 stopping point, we'll --

8 MR. FULLER: Judge, we can break right now.

9 THE COURT: Okay. That's fine. Let's come back
10 at 2:00.

11 MR. FARRELL: Judge, may I make a quick proffer
12 before we leave?

13 THE COURT: Yes.

14 MR. FARRELL: You previously, you previously ruled
15 that P-45, lack of foundation, and provided the opportunity
16 for the plaintiffs to find another avenue to introduce it.

17 Therefore, under Document 835, the stipulation in this
18 case, it reads, "Plaintiffs will be provided an opportunity
19 to cure all unresolved issues relating to authenticity and
20 foundation, including the ability to depose and/or call a
21 custodial witness at trial."

22 The custodial witness for P-45 is Steve Falk, F-a-l-k.
23 We hereby place Cardinal on notice we intend to call him as
24 a custodial witness for P-45.

25 THE COURT: Okay, all right. See you at 2:00.

1 (Recess taken at 12:02 p.m.)

2 THE COURT: All right, Ms. Hardin.

3 MS. HARDIN: Good afternoon, Your Honor. Ashley
4 Hardin on behalf of Cardinal Health.

5 And I would just like to address the several
6 accusations from this morning, including the comment by Mr.
7 Farrell right before the lunch break that Cardinal Health is
8 in breach of any of the evidentiary objections to which we
9 have agreed. And I think this issue has come up this
10 morning with regard to Document P-45.

11 We are not in breach of any stipulation, Your Honor. I
12 would like to clarify what those stipulations --

13 THE COURT: Did he say you were? I don't remember
14 that he said that.

15 MS. HARDIN: That is certainly the impression I
16 have been left with, Your Honor, and I think Mr. Majestro
17 was also planning to address the Court.

18 THE COURT: Okay.

19 MS. HARDIN: And if that's incorrect, he'll
20 clarify.

21 First of all, the first stipulation that Cardinal
22 entered into with regard to this issue is Docket 835. That
23 was entered on August the 6th. And what we agreed to do in
24 that stipulation, which didn't address any specific
25 documents, that was to be worked out later. What we agreed

1 to do was for a certain set of documents to be agreed on
2 later, not to object on authenticity and lack of sponsoring
3 witness.

4 We also agreed that between the time the stipulation
5 was entered on August the 6th of 2020 and start of the trial
6 to work with the plaintiffs in good faith to address issues
7 of authenticity and foundation.

8 We're now into the third and -- or fourth week of the
9 trial and so, that time has passed. So, we do not agree
10 that we have agreed to put up any -- any witness to cure any
11 custodial issues.

12 And I think the statement was made this morning that
13 they would like to send a subpoena to Steve Falk, who is the
14 former General Counsel of Cardinal Health. We don't control
15 him in any event, but even if we did, we wouldn't agree that
16 it's proper to send a custodial deposition notice to him
17 now.

18 But more fundamentally, Your Honor, the issues that
19 were raised, the objections that were raised this morning do
20 -- as to P-45 do not implicate the stipulation. We did not
21 object to the admissibility of that document because it
22 lacks authenticity or because they didn't have a proper
23 sponsoring witness.

24 We objected to the admissibility of that document
25 because it is hearsay and it is privileged. And in both --

1 THE COURT: Well, I read all of these stipulations
2 and you did reserve your right to --

3 MS. HARDIN: Exactly, Your Honor.

4 THE COURT: -- object on hearsay and a whole bunch
5 of other stuff, too.

6 MS. HARDIN: That's right. So, 835, as I said,
7 was the original stipulation that didn't deal with any
8 specific documents. Then there are three separate
9 stipulations that got entered that actually do deal with
10 particular documents on which we made that agreement on --
11 on authenticity and lack of sponsoring witness.

12 The one that concerns Document P-45 is Docket 1305 and
13 the listing of exhibits is 1305.1. And it -- as Your Honor
14 rightly notes, it couldn't be more clear. We said we
15 preserve all evidentiary objections, including hearsay.

16 We made a hearsay objection to the admissibility of
17 that document and Your Honor sustained the objection. So,
18 we're outside of the realm of the stipulation and we're
19 outside of the realm of where any custodial witness, even if
20 they could get a deposition, even if we agreed they could do
21 that, would help them cure their issue.

22 So, we're not in breach and we just wanted to make that
23 abundantly clear to the Court, Your Honor. So, thank you
24 very much.

25 THE COURT: Okay. Thank you.

1 Mr. Majestro, do you want to say something?

2 MR. MAJESTRO: Yes, sir.

3 So, Your Honor, I missed much of this morning's
4 proceedings, but we had a discussion over lunch and I came
5 up with what I think is a good -- a better way to handle
6 this than we've been doing it in this case.

7 With respect to the documents where the parties have
8 stipulated to authenticity, where the parties have
9 stipulated that there isn't a need to present the documents
10 through a sponsoring witness, and that would include, I
11 believe, the McKesson documents, and the Cardinal documents,
12 and some third-party documents like the documents from the
13 DEA, we would propose that the night before -- instead of
14 what we've been doing is listing the documents to be used
15 with witnesses and that -- I think that's what we're getting
16 all bollixed up about, that we would just list those
17 documents as documents we are going to tender to the Court
18 and move for admission in the record.

19 Now, the parties can list their objections like we've
20 been doing. We can list our responses. We can submit our
21 responses. We can submit them to the Court and if there are
22 any hearsay objections or other issues that need to be dealt
23 with, we can deal with them. Either the Court can rule or
24 the Court -- if the Court wants to hear argument on them,
25 but -- but this -- you know, we've gotten a lot of argument

1 over documents that we don't think we need to be doing that.

2 I don't -- I think I went to sleep dreaming of
3 802(1)(D) last night and there's no need to do that in
4 court. And so, so we propose that that be the case. That's
5 what we are going to do tonight. We wanted to provide the
6 defendants with notice.

7 Now, I understand ABDC is objecting to that because
8 their witnesses are gone and the stipulation was limited to
9 production through the witnesses that showed up. That, I --
10 I haven't looked at that stipulation. If that's the case,
11 we won't identify ABDC documents.

12 But these other documents are documents that the
13 stipulations either through third parties where all the
14 defendants agreed to or the remaining two defendants with
15 live witnesses where they have agreed that we don't need a
16 sponsoring witness, we don't need to be arguing about those
17 documents with witnesses on the stand.

18 THE COURT: Your stipulations were just with
19 Cardinal, weren't they?

20 MR. MAJESTRO: There is a separate stipulation
21 with McKesson and then -- for their documents and there is a
22 stipulation with all the defendants for docs -- for other
23 third-party documents, such as DEA documents, and those
24 kinds of documents. And those are the -- those are the
25 documents that I am proposing we follow this procedure on.

1 THE COURT: Mr. Mahady?

2 MR. MAHADY: Your Honor, Mr. Majestro
3 distinguished, I believe, between the stipulations of the
4 other defendants and the ABDC stipulation. I just want to
5 make note for the record that there is a distinction as far
6 as we're concerned. I can deal with that with Mr. Majestro.
7 If he feels like he needs to raise it later, he can.

8 MR. MAJESTRO: Yeah, and I haven't looked at -- I
9 pulled up the McKesson stipulation and I'm assuming they all
10 three had the same language. He raised that same issue
11 immediately before. We'll work that out.

12 We won't -- if there is not a -- if there's not an
13 agreement that the document can be produced without a
14 sponsoring witness or if there's some other agreed -- you
15 know, some other way to get it in without a sponsoring
16 witness, we're not going to put them on the list that way.
17 We'll put them on the list of witnesses, but as he pointed
18 out, his witnesses are gone, so they're not going to be his
19 witnesses.

20 MR. MAHADY: Right. And, Your Honor, I'll just
21 note that what the stipulation says is that
22 AmerisourceBergen stipulates that they will not object to
23 the presentation of these documents through Chris Zimmerman,
24 Steve Mays, David May and/or Michael Perry at trial while
25 preserving all other evidentiary objections.

1 That was a negotiated term. I believe the plaintiffs
2 sought to have no sponsoring witness. We negotiated that it
3 has to be through those witnesses. Those witnesses have now
4 come and gone.

5 So, our position is, is that the plaintiffs cannot now
6 seek to move in additional documents, whether stipulated or
7 not, without these witnesses per the stipulation.

8 THE COURT: Well, let's wait until the documents
9 are offered and then -- then deal with that at that point,
10 Mr. Mahady.

11 MR. MAHADY: Thank you, Your Honor.

12 THE COURT: Mr. Hester?

13 MR. HESTER: Your Honor, I'm just not sure how the
14 procedure that Mr. Majestro is proposing would, in fact,
15 work. If it's all going to be by paper, there's no
16 opportunity for us to present our views to the Court in any
17 realistic methodology and, furthermore, I'm not sure how we
18 would determine what the Court has admitted into evidence
19 and what it's not. It feels like it's shifting some work to
20 the Court here; whereas, the way we've been doing it, I
21 understand there's been a little bit of back and forth, but
22 in the aggregate, it's useful for us to know what's in
23 evidence as we're going through the testimony on particular
24 days.

25 THE COURT: Well, some of the problem was probably

1 my fault because I didn't perfectly understand the
2 stipulations. I've read them now and I think that I do.

3 So, Mr. Majestro, I think we can just deal with it as
4 it comes up.

5 MR. MAJESTRO: Okay. So, we'll put them on the
6 list and we'll see what happens.

7 THE COURT: Mr. Farrell?

8 MR. FARRELL: I think that cures everything except
9 for P-45. P-45 is the audit and, this morning, there was an
10 objection on foundation, which you sustained.

11 So, we're perfectly willing and able and encourage a
12 discussion on hearsay grounds, but the objection that was
13 sustained -- that was made and sustained, according to my
14 learned co-counsel, was on foundation. So, the problem that
15 we have is that if, in fact, we're going to have foundation
16 arguments, then we only have a finite number of Cardinal
17 Health witnesses in order to present it through.

18 THE COURT: Well, doesn't the stipulations take
19 care of the foundation argument? And that may -- I don't
20 remember that specific document.

21 MR. FARRELL: Yes, Your Honor.

22 THE COURT: But --

23 MS. HARDIN: Your Honor, I think we are perhaps
24 confusing -- can you hear me -- confusing two issues.

25 We objected to the admissibility of P-45 on hearsay

1 grounds and it's certain we don't have access to the
2 transcript at this point in time, but we understood that
3 that was the objection that Your Honor sustained and why
4 that document is not admissible.

5 We made a foundation objection to whether or not Mr.
6 Mone is capable of testifying about that document, whether
7 or not it comes in. The answer to that is lack of
8 foundation because he testified that he -- I believe he
9 testified that he had never seen it. So, that was the
10 foundation objection. No custodial deposition could cure
11 that.

12 THE COURT: So, you're saying that the stipulation
13 makes it admissible, but there's no foundation for Mr. Mone
14 to testify?

15 MS. HARDIN: No, sir. We don't believe the
16 stipulation makes P-45 admissible. We -- the stipulation
17 says we're not going to object to P-45 on the ground of
18 authenticity, so we don't contend that it's not authentic,
19 and we don't contend that they have to put up a sponsoring
20 witness.

21 So, if P-45 were independently admissible, then it
22 could come in theoretically through Mr. Mone, but Mr. Mone
23 cannot testify about it because he has no foundation from
24 which to do so. And here, in this particular instance, the
25 document is not independently admissible because it is

1 hearsay and the plaintiffs have not overcome the hearsay
2 objection. Your Honor sustained that objection.

3 MR. ACKERMAN: Your Honor, may we make a record on
4 the hearsay objection because I don't believe a record has
5 been made on that objection.

6 MR. FARRELL: That's my point, Judge. The
7 stipulation isn't limited to a sponsoring witness. The
8 stipulation says foundation. We were prevented from asking
9 any questions on foundation and that was the objection.

10 So, to be clear, what we're suggesting is that Mr. Mone
11 says he's never seen this document before. We agree that
12 precludes us from asking him questions on a document he has
13 no knowledge of. It does not preclude us from tendering
14 that document to the Court for admission.

15 What we're suggesting is that this process could be
16 expedited and the witness testimony truncated if we come up
17 with a procedure where we can take documents that we believe
18 are subject to stipulation and tender them to the Court as
19 if this were an appellate case submitted on the briefs.

20 There are documents we can submit on their face that
21 will save us a tremendous amount of time and argument having
22 to present it during an individual witness's testimony.

23 That being said, we have a pretty good argument of why
24 this document, which was prepared at the request of, in the
25 custodial file of, argued and briefed and even subject to

1 deposition testimony is not hearsay.

2 Now, one real quick side-bar. The defendants have also
3 gone and made the argument that this document is subject to
4 attorney-client privilege and I would like to proffer for
5 the record that in the MDL 2804, ECF 1498, discovery ruling
6 14.5, it specifically rejects attorney-client privilege and
7 that it was affirmed by Judge Polster at ECF 1553.

8 So, to the extent that the defendants are trying to
9 preserve for the record that this document is covered by
10 attorney-client privilege, we believe there's been an
11 insufficient showing to invoke the privilege.

12 THE COURT: Okay. Which one is it? What's the
13 number on it? I will try and find it here.

14 MR. ACKERMAN: P-45.

15 THE COURT: P-45?

16 MR. ACKERMAN: Yes, sir.

17 MS. HARDIN: Your Honor --

18 THE COURT: Let me --

19 MS. HARDIN: Sure. Certainly.

20 THE COURT: Okay, I've got it now.

21 MR. ACKERMAN: So, Your Honor, with respect to the
22 hearsay objection, this is a document that states on it --
23 the first line of the letter says, "I have attached for your
24 information and review our initial findings and
25 recommendations on Cardinal Healthcare's Suspicious Order

1 Monitoring System." It is similar, if not identical, at
2 least in analysis, to the FTI report that Your Honor ruled
3 was not hearsay with regard to ABDC.

4 The reason that it is not hearsay, Your Honor, is
5 because it falls within an opposing party's prior statement
6 within Rule 801(d)(2) and, specifically, it is 801(d)(2)(C),
7 a statement made by a person whom the party authorized to
8 make a statement on the subject. Cardinal Health hired
9 Cegedim Dendrite and authorized them to investigate and
10 report their findings on its Suspicious Order Monitoring
11 System.

12 It also is not hearsay pursuant to Rule 801(d)(2)(D),
13 as in Delta, because it is a statement made by the party's
14 agent on a matter within the scope of that relationship and
15 while it existed. And I do believe that you stated with
16 respect to ABDC that FTI was their consultant and their
17 agent for purposes of this review. The same analysis
18 applies with respect to this document.

19 THE COURT: Ms. Hardin?

20 MS. HARDIN: Your Honor, we disagree on both
21 counts. One, Ms. Mainigi was clear this morning that this
22 document was subject to an adverse privilege ruling against
23 us in the MDL. We fought tooth and nail to have to produce
24 this document. We lost that battle.

25 But now, here we are at the moment of truth. This is

1 the trial. And it's now wanting to be offered against us
2 and admitted against us. And so, we do not waive our
3 privilege objection. We have never waived that objection.
4 And we assert it here again to the extent that this is the
5 first time this document is ever being utilized against us
6 in a court. So, that's point one.

7 Point two, this document does not fall within the
8 hearsay exception. 801(2)(d)(C) -- I don't know if I'm
9 getting all the letters confused -- is a statement of an
10 agent.

11 In the -- the Fourth Circuit has addressed two times
12 whether or not a party's lawyer's statement can be admitted
13 against them under this exception and both times both
14 statements involved a statement that the lawyer made to
15 someone else in the outside world.

16 This report is legal advice. It is Cardinal Health's
17 lawyer talking to it in a privileged attorney-client
18 communication. They are not acting as our agent in that
19 situation in terms of making statements on our behalf, nor
20 did we authorize them to make any statements on our behalf
21 to anyone else.

22 And so, if the exception is going to be that legal
23 advice given within the confines of the attorney-client
24 communication can then be entered against that party at
25 trial, then I submit that is beyond anything that we have

1 seen in the case law in the Fourth Circuit and it's not what
2 is contemplated by that exception, nor is this our own
3 statement that we have adopted in any sense.

4 I mean, again, this is legal advice. And the legal
5 advice was given to us just the same as if I call my client
6 this afternoon and I give them my opinion about how this
7 trial is going. That is not an admission of my -- that will
8 not be an admission of my client. That will not be my
9 client's statement. That would be my statement to my
10 client.

11 So, it is hearsay. It's an out-of-court statement that
12 they want to offer for the truth and they haven't yet given
13 a proper hearsay objection, anything to override the hearsay
14 objection, in our opinion, Your Honor.

15 MR. ACKERMAN: So, Your Honor, let me address that
16 briefly. First of all --

17 THE COURT: I've heard enough of this. I'm going
18 to stick with my original ruling, but I will take another
19 look at it and see if it ought to be reversed, but I know
20 what the arguments are here.

21 And I will consider your arguments, Mr. Ackerman.

22 MR. ACKERMAN: Okay.

23 THE COURT: And we've spent a half-hour almost on
24 this and we need to get rolling.

25 Mr. Mone, are you here?

1 MS. MAINIGI: We're going to get him, Your Honor.

2 MR. ACKERMAN: While he is walking in, Your Honor,
3 this -- and Cegedim Dendrite is not a law firm. I just want
4 to make that clear for the record.

5 THE COURT: Well, he's a lawyer, isn't he, isn't
6 he or she, or whoever it is?

7 MR. ACKERMAN: No, Your Honor.

8 MS. HARDIN: Your Honor, I believe --

9 MR. ACKERMAN: This is -- this is a third party
10 that was hired by Cardinal Health.

11 THE COURT: Well --

12 MR. ACKERMAN: I understand and perhaps we should
13 brief this or discuss it later.

14 THE COURT: Mr. Mone, you may resume the witness
15 stand and you're under oath, of course, still under oath.

16 MR. FULLER: May I approach the witness?

17 THE COURT: You may, Mr. Fuller. Yes, you may.

18 BY MR. FULLER:

19 **Q.** I'm handing the witness what has been marked Plaintiffs
20 7509. Mr. Mone, do you recognize this document? Let's
21 start with the first page.

22 **A.** The first page -- sorry. The first page is an e-mail
23 from Nick Rausch to me and others.

24 **Q.** And does it -- what does it pertain to?

25 **A.** It is a visual description of last month's SOM Report

1 with relevant metrics.

2 Q. This e-mail was sent on June 5th of 2009?

3 A. Yes, sir.

4 Q. And it mentions it was relating to the prior month. Is
5 this something that you would get on a semi-regular basis?

6 A. Yes, sir.

7 Q. And is this something that was done in the normal
8 course of your employment as the one in charge of running
9 the QRA Division at Cardinal?

10 A. Yes, it would.

11 Q. And was it Mr. Rausch's duty as -- or his position to
12 send these e-mails to your group on a regular basis, as
13 well?

14 A. Yes. He was in charge of the Analytics Group.

15 MR. FULLER: Your Honor, we would move in P-7509.

16 MS. MAINIGI: No objection, Your Honor.

17 THE COURT: It's admitted.

18 **PLAINTIFF EXHIBIT P-7509 ADMITTED**

19 BY MR. FULLER:

20 Q. And if we turn to the second page, this provides sort
21 of a summary of the prior month, as well as a lookback,
22 correct, Mr. Mone?

23 A. It does.

24 Q. And so, if we look at the upper left-hand box, it says,
25 "SOMS events per month". Do you see that?

1 **A.** I do.

2 **Q.** And that means suspicious order monitoring events for
3 the month; is that correct?

4 **A.** It refers to the threshold events per month.

5 **Q.** And as we established earlier, that's particularly
6 based off of volume, right? It has to hit that threshold
7 trigger, correct?

8 **A.** Those are the events that hit the threshold. Those are
9 the events of the orders that hit the threshold.

10 **Q.** And that, again, would only be considering volume; is
11 that right?

12 **A.** It's predominantly volume, yes.

13 **Q.** Then there may be an analysis done related to frequency
14 and pattern, but that's done by your pharmacist after the
15 triggering event occurs?

16 **A.** Both before and after.

17 **Q.** And it looks back, what, about 12 months?

18 **A.** It does.

19 **Q.** And it provides numbers. So, 421 for June of '08, do
20 you see that?

21 **A.** I do.

22 **Q.** Would that mean that Cardinal nationwide had 421
23 triggering events across the country?

24 **A.** Yes, it does.

25 **Q.** And if we go to the next month, July, 390 -- excuse me.

1 793, do you see that?

2 **A.** That is correct.

3 **Q.** And that would mean we have 793 threshold triggering
4 events under your system across the country?

5 **A.** That is what that number means to me, yes.

6 **Q.** If you turn to the last page, the third page, I'm
7 sorry, there's another box there that refers to suspicious
8 orders per month. Do you see that box?

9 **A.** I do.

10 **Q.** And is that the number of orders that Cardinal actually
11 determined to be suspicious across the country?

12 **A.** Yes.

13 **Q.** So, if we look at that and we compare June of '08, we
14 know we have 421 triggering events, right?

15 **A.** Yes.

16 **Q.** And we reported 12 suspicious orders; is that correct?

17 **A.** That is correct.

18 **Q.** So, for example, on July of '08, we had 793 triggering
19 events, but only reported two orders nationwide.

20 **A.** That is correct.

21 **Q.** And carries on throughout the rest of the 12-month span
22 there; is that right?

23 **A.** It does.

24 **Q.** Okay. And, again, this was the system that was housed
25 in Dublin, Ohio; is that correct?

1 **A.** Yes, sir.

2 **Q.** So, Mr. Mone, I passed you two more documents. One is
3 marked Plaintiffs' Exhibit 77 for the record. The other one
4 is marked Plaintiffs' Exhibit 44267. Do you have them in
5 front of you?

6 **A.** I do.

7 **Q.** Are they the similar type of monthly summaries?

8 **A.** They are.

9 **Q.** And if you look at P-77, does it appear that in the
10 upper right-hand corner that it's for a February, 2009
11 summary?

12 **A.** It does.

13 **Q.** And if you look at 44267, upper left-hand corner, it
14 looks like it's for an August of 2009 summary, correct?

15 **A.** Right.

16 **Q.** And these, again, were documents that were produced in
17 the regular course of business in the Anti-Diversion
18 Department?

19 **A.** They were.

20 MR. FULLER: Your Honor, I would move in
21 Plaintiffs' 77 and Plaintiffs' 44267.

22 MS. MAINIGI: No objection, Your Honor.

23 THE COURT: Admitted.

24 **PLAINTIFF EXHIBIT 77 & 44267 ADMITTED**

25 BY MR. FULLER:

1 **Q.** Mr. Mone, did you use these to monitor how the system
2 was functioning?

3 **A.** These were tools that were used by the team to make
4 assessments of the program.

5 **Q.** And then, these are all based off the thresholds,
6 correct?

7 **A.** These reports are based off of threshold, that is
8 correct.

9 **Q.** Now, we talked about setting the thresholds earlier and
10 you're setting them, at least initially, end of 2007,
11 beginning of 2008, correct?

12 **A.** That was the initial thresholds setting process, yes.

13 **Q.** Before your arrival, Cardinal didn't use these type of
14 thresholds, right? They used Ingredient Limit Reports?

15 **A.** Before I got there, Ingredient Limit Reports were being
16 -- were done and when I got there, they were already -- the
17 system was already in the beginning stages of making
18 adjustments to an electronic system.

19 I don't recall how -- I don't recall how those initial
20 orders, you know, that they were establishing in the
21 immediate term before I got there were done.

22 **Q.** But you implemented this threshold system we've been
23 talking about today?

24 **A.** I improved -- I improved the entire -- I would like to
25 think I improved the entire system that was there.

1 **Q.** And so, when you devised how these thresholds were
2 going to be set using the system we talked about earlier,
3 subcategorizing the customers, then subcategorizing them on
4 size, then determining an average and tripling it, what did
5 you do to take into consideration that the company was in
6 the throes of an opioid epidemic?

7 **A.** The considerations that we made were to take our
8 assumptions that we were making in terms of where to place
9 those thresholds and bounce those up against external
10 experts to make certain that the assumptions that we were
11 making were -- were appropriate.

12 **Q.** And then that led you to the conclusion that it was
13 still a good idea to multiply the average by three?

14 **A.** Yes. When we sent -- when we sent it out and had
15 external folks look at the process, they came back with an
16 assessment with the assumptions that we were making were
17 appropriate.

18 **Q.** Now, we've talked about the thresholds. We've talked
19 about that they're tracked. You guys had a -- and I said
20 you guys. I'm sorry. Cardinal had an electronic system for
21 tracking these thresholds and I think you testified earlier
22 these were kept in the normal course, correct?

23 **A.** That is correct.

24 **Q.** You also tracked threshold changes in the normal
25 course; is that right?

1 **A.** Through system track changes, we did.

2 **Q.** You had access to these systems?

3 **A.** I did have access to the systems, yes.

4 **Q.** As well as the rest of your team; is that right?

5 **A.** Absolutely.

6 **Q.** Now, not only with threshold changes, but threshold
7 events. We see here that on certain months, for example,
8 May of '08, we have the 421 threshold events. Those are
9 tracked, as well, correct?

10 **A.** Which document are you referring to?

11 **Q.** I'm sorry. I'm on 7509, the one that has your e-mail
12 attached to it.

13 **A.** Okay, thank you. 7509? And what was your statement --
14 question?

15 **Q.** Yes, sir. I'll ask the question again. Where we have
16 June of '08 the 421 threshold events --

17 **A.** Yes.

18 **Q.** Those are also tracked within Cardinal's system; is
19 that right?

20 **A.** Yes, they were.

21 **Q.** Those were also accessible by you?

22 **A.** Pardon?

23 **Q.** You also have access to those?

24 **A.** I did.

25 **Q.** No longer?

1 **A.** Correct.

2 **Q.** You did at the time?

3 **A.** Correct.

4 **Q.** Your team had access to those?

5 **A.** They did.

6 **Q.** It's something that your department would use on a
7 regular basis in maintaining the anti-diversion system,
8 correct?

9 **A.** Yes, they would.

10 **Q.** You also tracked all the suspicious orders that were
11 reported, correct?

12 **A.** Yes, we did.

13 **Q.** You could look up and see how many suspicious orders
14 were reported in certain geographic areas, as well as
15 particular pharmacies; is that right?

16 **A.** Yes, we could.

17 **Q.** You had access to that system?

18 **A.** Undoubtedly, I had access to the system. I'm not sure
19 I knew the ability to extract that information out of the
20 system.

21 **Q.** That may be something that you asked one of your other
22 team members --

23 **A.** Yes.

24 **Q.** -- to pull for you; is that fair?

25 **A.** Yes.

1 Q. Okay.

2 MR. FULLER: Your Honor, at this time, I would
3 like to move in P-14294. We disclosed this last night and
4 there was no objection.

5 MS. MAINIGI: We have no objection, Your Honor, to
6 its admission. Obviously, we can -- if it's something he's
7 going to question the witness on, we can take that piece of
8 it up as it goes, but we have no objection to its admission.

9 THE COURT: Okay, it's admitted.

10 **PLAINTIFF EXHIBIT P-14294 ADMITTED**

11 MR. FULLER: Your Honor, I'm going to test my
12 luck. I'm going to move for admission of P-44275.

13 MS. MAINIGI: Same position, Your Honor.

14 THE COURT: Admitted.

15 **PLAINTIFF EXHIBIT P-44275 ADMITTED**

16 MR. FULLER: And I would move for admission of
17 P-42071.

18 MS. MAINIGI: One moment, Your Honor.

19 THE COURT: Yes.

20 (Pause)

21 MS. MAINIGI: Same position, Your Honor.

22 THE COURT: All right. It's admitted.

23 **PLAINTIFF EXHIBIT 42071 ADMITTED**

24 BY MR. FULLER:

25 Q. Mr. Mone, a moment ago when we were talking about the

1 design of the thresholds and taking into consideration the
2 epidemic, you mentioned relying on third-party experts.
3 What third-party experts would that be?

4 **A.** Well, we subjected our SOM program to Deloitte. We
5 subjected elements of it to IBM Watson. There were
6 improvements that we looked at and we submitted to a Ph.D.
7 at Ohio State. There may, in fact, be more, but those are
8 the three I can think of right now.

9 **Q.** Now, let me try to inquire on those. The submission to
10 Ohio State came further on in the system, correct?

11 **A.** It did.

12 **Q.** The submission to Cegedim Dendrite was earlier on in
13 the system, correct?

14 MS. MAINIGI: Objection. I don't think that is
15 the testimony. I don't think Mr. Mone said Cegedim
16 Dendrite. He said IBM Watson, he said Deloitte, and he said
17 Ohio State.

18 THE COURT: Sustained.

19 BY MR. FULLER:

20 **Q.** Mr. Mone, I'm handing you what's marked for
21 identification purposes as Plaintiffs' Exhibit 80. Have you
22 seen this document before?

23 **A.** I have not.

24 **Q.** You had -- do you have any understanding of what this
25 Investigative Demand Committee Report would be?

1 **A.** No.

2 **Q.** Sure.

3 **A.** May I -- may I make a correction?

4 **Q.** Sure.

5 **A.** Because I'm just not certain. I may actually have seen
6 parts of this document in a prior deposition, but I haven't
7 seen the document, the whole thing.

8 **Q.** Fair enough. So, you may have recollection of this
9 document from a prior deposition; you don't remember seeing
10 it during the course of your employment?

11 **A.** I do not. Do not.

12 **Q.** Do you remember whether in the beginning of -- end of
13 2012, beginning 2013, whether there was an investigation
14 conducted related to the SOMS systems at Cardinal?

15 **A.** I recall a -- for lack of a better term, I recall an
16 internal -- an internal inquiry into the Suspicious Order
17 Monitoring Program.

18 **Q.** And were you interviewed related to that process?

19 **A.** To the best of my recollection, I was.

20 **Q.** Do you believe some of your team members may have been
21 interviewed in that process?

22 **A.** Undoubtedly, they were, more than likely.

23 **Q.** And was that looking at and reviewing the SOMS system
24 in place and any potential changes that may need to be made?

25 **A.** I would assume that's what they were looking at.

1 MR. FULLER: Your Honor, at this pint, I would
2 move into evidence -- not to show the witness -- but just
3 submission into evidence, Plaintiffs' Exhibit 80.

4 MS. MAINIGI: Your Honor, objection. I understand
5 it's not being submitted to show the witness, so I will
6 reserve on a foundational objection.

7 My main objection to admission is geographic scope
8 because this report relates to Florida-Lakeland. It does
9 not report -- it doesn't have anything to do with
10 Cabell-Huntington.

11 THE COURT: Mr. Mone, what's the Special Demand
12 Committee?

13 THE WITNESS: I have no idea what that is.

14 THE COURT: Oh, you don't know? Okay.

15 MS. MAINIGI: I don't think -- I think, as he
16 testified, Your Honor, he had not seen this. So, he -- he
17 certainly may have been interviewed, but he doesn't know
18 what the report actually says or what it covers. And our
19 objection relates to the fact that this has nothing to do
20 with Cabell and Huntington. It has to do with Lakeland,
21 Florida.

22 THE COURT: Well, I'm still not clear on exactly
23 what this is, Mr. Fuller.

24 MR. FULLER: Your Honor, and the Court can feel
25 free to review the document. It is an investigation and a

1 report about the SOMS systems of Cardinal Health up and to
2 the beginning or -- beginning of 2013, end of 2012, that was
3 requested by the Board of Directors of Cardinal Health. It
4 sets out not only Lakeland, Florida. It talks about their
5 systems in general, and the national scope of those systems,
6 and how they function, and what problems they had with those
7 systems.

8 As Mr. Mone testified, he believes there was an
9 internal investigation. All of this would throw it into
10 801(d)(2)(A), (d)(2)(B), or (d)(2)(C).

11 MS. MAINIGI: Your Honor, we're not objecting on
12 the basis of hearsay. We're objecting on the basis of
13 geographic scope.

14 THE COURT: Well, I think it might be -- for the
15 reason that I admitted the documents this morning that you
16 objected to on geographic scope, I think it may relate to
17 the -- to the overall program and whether it was working
18 properly and so forth. I can't remember the term that was
19 used this morning, can you, Mr. --

20 MR. FULLER: I'm sorry. I couldn't hear you, Your
21 Honor.

22 THE COURT: The term that was used this morning --

23 MR. FULLER: The systemic failures?

24 THE COURT: Right. I think it relates to that and
25 I'm going to admit it.

PLAINTIFF EXHIBIT 80 ADMITTED

BY MR. FULLER:

Q. Mr. Mone, as of the time of the 2008 memorandum agreement, was Cardinal required to centrally report all of its suspicious orders?

A. It was required to report to the DEA Office, as opposed to the obligation that individual distribution centers were required to report to their local -- you know, the regulations report locally and our MOA says report centrally.

Q. When we say report centrally, you guys -- I'm sorry. When we say report to the office, you at Cardinal had to report to Washington and the DEA Office, correct?

A. That is correct.

Q. And that's something that you helped to put in place and your team developed to put into place that this automated or electronic reporting would be done, correct?

A. Yes. The IT individuals at Cardinal Health were designing the reporting component of the obligation imposed by the MOI.

MR. FULLER: So, if we might, because it's been admitted, put up P-42071. It's an Excel spreadsheet.

BY MR. FULLER:

Q. Mr. Mone, I'll represent to you that this has been produced -- and it should be on the screen in front of you.

1 You don't have to look way over here.

2 **A.** Okay.

3 **Q.** As suspicious orders into what we call CT2, but into
4 Huntington-Cabell County, West Virginia, okay?

5 **A.** All right.

6 **Q.** And it has certain columns and I want to run through
7 with you what these are. A SOR ID, which is Column A, that
8 would be Suspicious Order ID?

9 **A.** I have no idea what that is.

10 **Q.** Let's keep going. Registrant, DEA, what do you suspect
11 that is?

12 **A.** That one's fairly obvious. That's the registrant's DEA
13 number.

14 **Q.** Fair enough. NDC, can you explain to the Court what an
15 NDC code is?

16 **A.** Yes. The National Drug Code is the code that is
17 assigned to particular products by the manufacturer that
18 identify the product and the package size. So, the National
19 Drug Code.

20 **Q.** So, if you have the NDC code for something you can
21 identify who made it, the strength, the type of drug it is
22 and how many come in a package, right?

23 **A.** Yes, sir.

24 **Q.** Then you have the order quantity, which that's pretty
25 self-explanatory. And then you have the limit order

1 quantity. And you have the number of records. Customer DEA
2 number, is that the same as the registrant DEA number?

3 **A.** Actually, no. Now that we're -- now that I'm looking
4 at this, the first registrant DEA number would be our
5 registration number.

6 **Q.** So, potentially, if Wheeling was distributing to
7 Cabell-Huntington, that would be the DEA registrant number
8 for the Wheeling Distribution Center; is that correct?

9 **A.** That is a -- that is a distribution registration
10 number. I don't know to whom it applies. More than likely,
11 it applies to Wheeling, but that's -- I apologize for my
12 error before.

13 **Q.** No, that's all right.

14 MR. FULLER: If we could slide over Gina.

15 BY MR. FULLER:

16 **Q.** And we have the customer name, T and J Enterprises.
17 Customer address, doing business as Medicine Shoppe. We
18 continue over. It's in Huntington, West Virginia. Drug
19 family?

20 **A.** Yes.

21 **Q.** We've talked about that a little bit earlier and that's
22 significant, correct?

23 **A.** It is the drug family, yes.

24 **Q.** And these thresholds are set per drug family, right?

25 **A.** They are.

1 **Q.** And where are we at? 9143, do you know what that is
2 for?

3 **A.** Since the next column says oxycodone, I know that 9143
4 is going to be oxycodone.

5 **Q.** Yes, sir. Let's see. Then we have the date and month
6 and the overwrite date. What's the date of this first entry
7 here?

8 **A.** 8/14/2012.

9 **Q.** And do you have any knowledge as to whether Cardinal
10 reported any suspicious orders for Cabell-Huntington prior
11 to 8/14/2012?

12 **A.** I have no independent knowledge.

13 **Q.** If they did, they would be saved in the Cardinal
14 system, correct?

15 **A.** Not necessarily.

16 **Q.** Did Cardinal erase its orders?

17 **A.** Not that I'm aware of.

18 **Q.** Okay. So, if they reported them and it was saved in
19 their system, then we would have them, right?

20 **A.** I would think so, but I don't know what the record
21 retention policy of this document would be. You know, I --
22 I don't know -- I'm not the IT guy, so I don't know what the
23 IT folks do, how long they keep things, or what have you.

24 MR. FULLER: Your Honor, if I could have one
25 second, I think I'm --

1 THE COURT: Yeah.

2 (Pause)

3 MR. FULLER: Your Honor, I'll pass the witness.

4 THE COURT: All right. Thank you, Mr. Fuller.

5 Ms. Mainigi?

6 MS. MAINIGI: Yes, Your Honor.

7 Mr. Simmons, are we ready to go or do you need a couple
8 of minutes?

9 We probably just need a couple of minutes of
10 transition, Your Honor, if that's okay.

11 THE COURT: Okay. Let's just -- I'll stay on the
12 bench.

13 MS. MAINIGI: Sure.

14 THE COURT: And you can go ahead and do it that
15 way.

16 MS. MAINIGI: Thank you, Your Honor.

17 MS. MAINIGI: Mr. Simmons, are we ready?

18 Good afternoon, Mr. Mone.

19 THE WITNESS: Good afternoon.

20 Mr. Simmons, let's go ahead and put Demonstrative 2 up.

21 **CROSS EXAMINATION**

22 **BY MS. MAINIGI:**

23 **Q.** I just want to take a few minutes and review your
24 background before you came to Cardinal, Mr. Mone.

25 **A.** Okay.

1 **Q.** Does this demonstrative accurately reflect your
2 qualifications and background before you came to Cardinal
3 Health?

4 **A.** It is a summary of my background, yes.

5 **Q.** And can you describe for us your educational
6 background, please?

7 **A.** So, educationally, I attended the University of
8 Florida. I graduated from there twice, once from the
9 College of Pharmacy and once from the College of Law.

10 **Q.** Could you pull the microphone a little bit closer? I'm
11 having a little bit of a hard time.

12 **A.** Okay. Is that -- is that better?

13 **Q.** Yes. That's wonderful.

14 **A.** Sorry.

15 **Q.** Have you worked as a practicing pharmacist?

16 **A.** I have.

17 **Q.** And did you also work for the Florida Board of
18 Pharmacy?

19 **A.** I did.

20 **Q.** Can you tell us at high level what you did for the
21 Florida Board of Pharmacy?

22 **A.** When I went to work for the Board of Pharmacy, I was a
23 prosecutor for the Florida Board.

24 **Q.** And are there particular types of actions you
25 prosecuted?

1 **A.** The -- the actions that were found to have probable
2 cause. So, I would prosecute at the administrative law
3 level pharmacists and pharmacies over allegations of
4 deviations from the standard and statutes for the practice
5 of pharmacy and pharmacists.

6 **Q.** And did that work give you experience in pharmacy
7 regulation?

8 **A.** It did.

9 **Q.** And then, did you later work for the Florida Attorney
10 General's Office?

11 **A.** I did.

12 **Q.** And describe for us what you did there.

13 **A.** I served as the General Counsel for Administrative
14 Regulatory Boards, the Board of Osteopathic Medicine,
15 Veterinary Medicine, Podiatric Medicine, and I also served
16 as an Assistant on the Board of Medicine's Probable Cause
17 Panel.

18 **Q.** And did you have occasion in that role to address
19 issues related to opioids and other controlled substances?

20 **A.** I did as it related to those practitioners who were
21 licensed in those particular fields.

22 **Q.** After the Florida AG's office, what was your next role?

23 **A.** I was -- I was voted, I was elected, I'm not sure what
24 the right term is. The Kentucky Board of Pharmacy decided
25 to hire me as their Executive Director.

1 **Q.** Tell us about that role. What did you do there?

2 **A.** For -- I was the Chief Administrative, Chief Executive,
3 Chief Operating Officer of the state body that is known as
4 the Board of Pharmacy.

5 **Q.** Now, in that Executive Director role, did you take any
6 steps related to the prevention of the misuse of
7 prescription medications?

8 **A.** Yes.

9 **Q.** Can you describe that for us, please?

10 **A.** Sure. While I was the Executive Director of the Board,
11 in conjunction with the Cabinet for Health -- the Cabinet
12 for Drug Services, the title I may have messed up, but at
13 the instance of the Attorney General, Drug Control and the
14 Board of Pharmacy worked on the establishment of the
15 Prescription Monitoring Program in Kentucky.

16 **Q.** And what was the Prescription Monitoring Program that
17 you worked on?

18 **A.** It's called KASPER and it was an all-schedule
19 electronic reporting system that was implemented in
20 Kentucky.

21 **Q.** And what was the goal of that Prescription Monitoring
22 Program?

23 **A.** The goal of the -- at least as far as I could
24 determine, the goal of the Prescription Monitoring Program
25 was to provide a tool so -- to the practitioners, those who

1 wrote prescriptions, as well as those who dispensed
2 prescriptions, to obtain a more full picture of the
3 patient's use of controlled substances.

4 **Q.** And when you say practitioner, are you referring to
5 prescribers?

6 **A.** Yes. Practitioners who have the authority to
7 prescribe, yes.

8 **Q.** And who had access to this system that you helped with?

9 **A.** The practitioners, the prescribers, the dispensers,
10 Drug Control themselves and I'm --

11 **Q.** Did wholesale -- I'm sorry.

12 **A.** And I'm sure whoever else was in the statute that said
13 that they could have it. I just don't recall all the rest
14 of the folks.

15 **Q.** Do you recall whether wholesale distributors had access
16 to this program?

17 **A.** They did not. The program contains protected health
18 information and wholesalers do not have access to the
19 information.

20 **Q.** Besides the Kentucky Board of Pharmacy, can you
21 describe other positions that you've held related to
22 pharmacy?

23 **A.** Yeah. On the slide, it reflects that I was a member of
24 the Ohio Board of Pharmacy. I served two terms there as
25 President of the Board. I suspect you can look at my career

1 and say I tried to spend most of my career in public
2 service.

3 And then the last bullet there is the National
4 Association of Boards of Pharmacy where I -- as a -- as the
5 Executive Director of the Kentucky Board of Pharmacy, I was
6 elected to the Executive Committee of NEVP, but probably
7 more significantly for me, is that for more than 20 years, I
8 have served on the multi -- the Multi-State Pharmacy
9 Jurisprudence Exam Review Committee.

10 **Q.** And what does that committee do?

11 **A.** It's the committee that puts together the law exam that
12 every pharmacist in the country takes in order to get a
13 license to be a pharmacist or to reciprocate from state to
14 state.

15 **Q.** Thank you, Mr. Mone.

16 MS. MAINIGI: Now, we can go ahead and take that
17 down, Mr. Simmons.

18 BY MS. MAINIGI:

19 **Q.** You spent some time with Mr. Fuller just setting the
20 stage in terms of the timetable that you were -- the time
21 period that you were at Cardinal Health running the
22 Anti-Diversion System; do you recall that?

23 **A.** I do.

24 **Q.** And I think you told us that Mr. Steve Reardon came
25 before you in terms of running the Anti-Diversion Program;

1 is that right?

2 **A.** It is.

3 **Q.** And then Mr. Todd Cameron came after you in terms of
4 running the Anti-Diversion Program at Cardinal, correct?

5 **A.** He did.

6 **Q.** So, when you arrived in December, 2007, you said that
7 the Cardinal Health Anti-Diversion Program was in the
8 process of changing; do you recall that?

9 **A.** I do.

10 **Q.** What was your understanding of why the Cardinal program
11 was changing in that time period?

12 **A.** My understanding of the basis for the change was that
13 Mr. Reardon had attended a DEA Industry Conference a few
14 months earlier and came back and began the development of
15 the electronic -- the electronic component of the Suspicious
16 Order Monitoring System.

17 **Q.** Now, what is your understanding of what happened at the
18 conference?

19 **A.** My understanding of what happened at the conference was
20 that a competitor had presented in conjunction with the DEA
21 and explained their new electronic system for reporting
22 suspicious orders and that the expectation of the DEA had
23 changed relative to when Suspicious Order Reports would be
24 sent to DEA.

25 **Q.** Was that competitor AmerisourceBergen?

1 **A.** It was.

2 **Q.** And do you recall whether that conference was in that
3 September, 2007 time period right before you arrived?

4 **A.** Yeah. It was -- it was shortly before, so September is
5 probably right.

6 **Q.** And with respect to the DEA expectations that you
7 understood as you came in and took over the Anti-Diversion
8 System, you mentioned the electronic system. Were there any
9 other components that you're recalling got -- that Mr.
10 Reardon brought back for implementation?

11 **A.** I call it the three prongs of what we did, which was
12 Know Your Customer, electronic monitoring and
13 investigations.

14 **Q.** Those were the three prongs that Mr. Reardon brought
15 back?

16 **A.** To the best of my recollection, that's what were
17 brought back.

18 **Q.** And if I could ask you to bring that a little bit
19 closer to you. Still having a little bit of difficulty.

20 **A.** I'm sorry.

21 **Q.** That's better. Thank you.

22 Now, when you arrived in December, 2007, Cardinal
23 Health was in the process of building out a system
24 consistent with the new expectations of DEA?

25 **A.** I would say that's a fair statement.

1 Q. And you were charged with assisting an implementation
2 of those changes?

3 A. Yes, I was.

4 Q. Now, did you come to understand whether there was any
5 discussion at the conference about whether suspicious orders
6 should be shipped?

7 A. I did.

8 Q. And what was your understanding?

9 A. That suspicious orders were not to be shipped to
10 customers.

11 Q. Did you understand that that expectation was the same
12 or different than it had been before?

13 A. That it was different.

14 Q. In your understanding, was there a statutory or
15 regulatory requirement to not ship suspicious orders?

16 A. Given that the statutory reference to suspicious orders
17 hasn't changed since, from what I could tell back then and
18 what I understand to be the current language, since the
19 language itself hasn't changed, it had to be a change in
20 expectations.

21 Q. A change in expectations by the DEA?

22 A. Correct.

23 Q. Now, after you became the Head of Cardinal Health's
24 Anti-Diversion Team, did Cardinal Health receive any letters
25 from the DEA about their new expectations?

1 **A.** The letter that I recall is the -- and I don't recall
2 the specifics of the letter, you know, what -- what is
3 essentially in it, but there was a December, 2007 letter
4 from Joe Rannazzisi.

5 **Q.** And so, when you arrived, Cardinal Health began the
6 process or continued the process of implementing changes as
7 a result of the September, 2007 conference, as well as the
8 December Rannazzisi letters?

9 **A.** Yes.

10 **Q.** Now, when you arrived, did you also have an opportunity
11 to assess the system that existed before Cardinal began
12 making changes post-September, 2007?

13 **A.** If you're referring the ILR System, yes, I had an
14 opportunity to assess ILR System.

15 **Q.** I am. And could you describe for us what an ILR is and
16 an ILR System?

17 **A.** My understanding of the ILR System is the Ingredient
18 Limit Reports, which was an end of the month report to the
19 DEA of orders.

20 **Q.** And do you know what Cardinal did with the ILR Reports?

21 **A.** I do not.

22 **Q.** Do you know what contact Cardinal had with the DEA or
23 the Cardinal Health Distribution Centers, what contact they
24 had with the DEA?

25 **A.** Well, in that assessment that was done, not only did

1 the distribution centers produce the ILRs and submit them to
2 DEA, but then, according to the regulation, which went to
3 the local DEA folks, the -- it was my understanding that the
4 cage and vault folks and the compliance officers would,
5 based upon their relationships, pick up the phone, call DEA
6 and say, hey, here's a suspicious order.

7 **Q.** So, as you're -- as you understood it, the distribution
8 centers made calls to the DEA reporting suspicious orders?

9 **MR. FULLER:** Your Honor, I'm going to object.
10 One, now counsel is now testifying. And, two, when I asked
11 Mr. Mone about the earlier system, he had no recollection.

12 **MS. MAINIGI:** Your Honor, if I may, I don't recall
13 the specifics, but I believe that he did reference ILRs to
14 Mr. Fuller in relation to that questioning and I don't
15 believe Mr. Fuller asked him about distribution centers
16 making calls to report suspicious orders.

17 **MR. ACKERMAN:** I also -- I don't think my
18 microphone is on.

19 **THE COURT:** Overruled. Go ahead.

20 **MS. MAINIGI:** Let me just rephrase the question.

21 **BY MS. MAINIGI:**

22 **Q.** Mr. Mone, to your understanding as you were assessing
23 the prior system, did you understand whether Distribution
24 Centers of Cardinal were making calls to the DEA reporting
25 suspicious orders?

1 **A.** Yes.

2 **Q.** As part of your assessment of the old system, did you
3 come to believe that Cardinal Health, that the system it was
4 running under Mr. Reardon, complied with the Controlled
5 Substances Act?

6 MR. FULLER: Object to form, Your Honor. I'm
7 sorry. Not object to form. There's no foundation, Judge.

8 MS. MAINIGI: He assessed the prior system, Your
9 Honor.

10 MR. ACKERMAN: Also calls for a legal conclusion.

11 THE COURT: Well, I'll sustain the objection.

12 You can rephrase the question, Ms. Mainigi.

13 MS. MAINIGI: Okay. I believe Mr. Fuller did ask
14 Mr. Mone about his understanding of the Controlled
15 Substances Act.

16 BY MS. MAINIGI:

17 **Q.** So, Mr. Mone, do you recall talking to Mr. Fuller about
18 your understanding of the Controlled Substances Act?

19 **A.** I do.

20 **Q.** And the Controlled Substances Act is an act that you
21 became quite familiar with in your role as Head of
22 Anti-Diversion; is that right?

23 **A.** I did.

24 **Q.** And did you review with us, I think earlier, the
25 different components of what was required of Cardinal under

1 the Controlled Substances Act?

2 **A.** To the best of my recollection, we were earlier talking
3 about the statutory component of maintaining effective
4 controls against diversion and the regulatory component,
5 which was to develop a system to identify and report
6 suspicious orders.

7 **Q.** In your assessment of the prior system did you come to
8 believe that Cardinal Health's prior system operated
9 consistent with the Controlled Substances Act?

10 MR. FULLER: Same objection, Judge. This witness
11 had no knowledge of the prior system when I asked him.

12 MS. MAINIGI: I don't think that's correct, Your
13 Honor.

14 THE COURT: Well, overruled. I think he -- he did
15 testify about that, at least that he had knowledge of it.

16 BY MS. MAINIGI:

17 **Q.** Do you need the question again, Mr. Mone?

18 **A.** Yes, please.

19 **Q.** When you assessed the prior Cardinal Health system, did
20 you form an understanding as to whether the prior system
21 that Cardinal Health had, whether that was operating
22 consistent with the Controlled Substances Act?

23 **A.** It would seem to -- the answer is yes. It would seem
24 to me that if a distributor were providing an ILR to the DEA
25 for all the years that they were doing it and the regulation

1 never changed, it had to be in compliance.

2 MR. ACKERMAN: Your Honor, I object on the ground
3 that I --

4 THE COURT: One lawyer.

5 MR. ACKERMAN: I'm objecting for the City of
6 Huntington, Your Honor.

7 THE COURT: Oh, okay. I'm sorry, Mr. Ackerman.

8 MR. ACKERMAN: Yes. We've switched now, so my
9 microphone is back on. Object to that -- I think the
10 witness's answer stated a legal conclusion. The question
11 was a yes or no question, but the -- but in explaining the
12 answer, the witness stated a legal conclusion. So, I'd
13 object on that ground and move to strike.

14 THE COURT: Well, it's his understanding of what
15 the situation requires. I'm going to overrule that and let
16 him answer.

17 BY MS. MAINIGI:

18 **Q.** Now, let me -- we'll cover some changes, Mr. Mone,
19 specific changes that you made going forward, but let me ask
20 you, besides the changes that got made at the end of 2007,
21 beginning of 2008, while you were Head of Anti-Diversion,
22 was this the only time that Cardinal Health made changes to
23 its system?

24 **A.** No. We were engaged in a continuous improvement
25 process the entire time I was there.

1 **Q.** Now, do you recall Mr. Fuller asking you some questions
2 about this 2008 settlement with the DEA?

3 **A.** I -- I vaguely recall them, yes.

4 MS. MAINIGI: Your Honor, as you know, we have
5 objected to a discussion of that based on geographic scope
6 and we retain our objection to that, but I am going to ask a
7 few questions since Mr. Fuller was allowed to ask questions
8 and we don't waive --

9 THE COURT: You may ask questions without waiving
10 the objection.

11 MS. MAINIGI: Yes, Your Honor. Thank you.

12 THE COURT: That's fine. The objection will be
13 preserved.

14 BY MS. MAINIGI:

15 **Q.** Around the same time that you took your position at
16 Anti-Diversion at the end of 2007, did the DEA begin
17 enforcement actions related to certain Cardinal Health
18 Distribution Centers?

19 **A.** Yes.

20 **Q.** Now, in terms of timeline, if I represent to you that
21 the ABDC Conference was September 2007, do you recall when
22 the first immediate suspension order against a Cardinal
23 Health Distribution Center occurred?

24 MR. FULLER: Objection, foundation, Judge.

25 THE COURT: Overruled. If he remembers, he can

1 answer.

2 THE WITNESS: To the best of my recollection, it
3 was -- it was towards the end of November of 2007.

4 BY MS. MAINIGI:

5 Q. And was that the Auburn-Washington State facility?

6 A. Auburn was the first one, yes.

7 Q. And then were there two more in December, the month
8 that you arrived?

9 A. Yes.

10 Q. And were those Lakeland, Florida and Swedesboro, New
11 Jersey?

12 A. Yes. Swedesboro on my 50th birthday.

13 Q. Happy birthday.

14 A. Thank you.

15 Q. Was there also an Order to Show Cause in January, 2008?

16 A. I do not recall whether it was December or January, but
17 I do recall an Order to Show Cause.

18 Q. And do you recall that was Stafford, Texas?

19 A. It was Texas.

20 Q. And each of those four distribution centers, Mr. Mone,
21 had a separate registration with the DEA; is that correct?

22 A. They did, yes.

23 Q. And do you recall generally what type of pharmacies
24 were involved in the 2008 DEA action?

25 A. They were predominantly what in the literature and the

1 DEA language were called internet pharmacies.

2 **Q.** To your recollection by this point in time, had
3 Cardinal Health taken measures to ensure that none of its
4 customers were acting as internet pharmacies?

5 **A.** Yes.

6 **Q.** Now, do you recall around that time how many
7 distribution centers Cardinal Health had approximately?

8 **A.** I know that there were more than 20. I don't recall
9 the specific number.

10 **Q.** And do you recall any allegation in this point in time,
11 the end of 2007, beginning of 2008, against the Wheeling,
12 West Virginia Cardinal Health Distribution Center?

13 **A.** No. I don't believe there was anything ever about
14 Wheeling.

15 **Q.** And, to your knowledge, did any of the distribution
16 centers at issue in the 2008 enforcement actions ship
17 controlled substances to West Virginia?

18 **A.** To pharmacies in West Virginia?

19 **Q.** Correct.

20 **A.** No.

21 **Q.** And I think you've already testified that by the time
22 you got some of these enforcement actions, Cardinal Health
23 had already begun to make changes to its Suspicious Order
24 Monitoring System?

25 **A.** Yes, it had.

1 Q. Did Cardinal Health ultimately reach a settlement with
2 the DEA?

3 A. It did.

4 Q. And was that in the 2008 time period?

5 A. To the best of my recollection, yes.

6 Q. And did the four distribution centers at issue regain
7 their DEA registrations as part of that process?

8 A. They did.

9 Q. To your knowledge, in the 2008 DEA settlement, was
10 there any admission of liability or finding of wrongdoing by
11 Cardinal Health?

12 A. To the best of my knowledge, there was none.

13 Q. And as part of the settlement with the DEA did Cardinal
14 Health agree that its Suspicious Order Monitoring Program
15 would not ship suspicious orders and would report those
16 orders to the DEA?

17 A. And -- yes, and it would report those orders to the DEA
18 in Washington.

19 Q. As opposed to the Field Offices?

20 A. Correct.

21 Q. And was this agreement that was in the 2008 settlement,
22 was that consistent with the updated DEA guidance that had
23 been provided in the September, 2007 conference, as well as
24 the December 2007 Rannazzisi letter?

25 A. I believe the answer to that is yes.

1 **Q.** To your knowledge, did Cardinal Health meet all the
2 terms and conditions of the Settlement Agreement?

3 **A.** Oh, yes.

4 **Q.** Now, we've walked through your qualifications. Let's
5 put up an organizational chart so we can talk about
6 anti-diversion at Cardinal Health.

7 MS. MAINIGI: Demonstrative 3, please, Mr.
8 Simmons.

9 MR. ACKERMAN: Could I get a copy of this, please?

10 MR. FULLER: Can I be shown a copy before?

11 MS. MAINIGI: Sure. Let's take it down.

12 MR. ACKERMAN: And, Your Honor, I just want to --
13 I just want to make this point more globally. I think there
14 was discussion earlier about not showing demonstratives
15 until the other party has had an opportunity to review it
16 and object. We haven't received any copies of
17 demonstratives, so we, I think, should have that same
18 opportunity.

19 THE COURT: Okay.

20 MS. MAINIGI: Your Honor, I believe we addressed
21 this issue when it came up with the corporate witnesses for
22 ABDC, but there was not an agreement to share demonstratives
23 in advance in -- as it relates to our demonstratives.

24 MR. ACKERMAN: Well, Your Honor, the defendants
25 certainly made that request of us. I can't imagine it would

1 be the case that we would be required to show them and not
2 the defendants.

3 THE COURT: Well, I don't see any harm in putting
4 it up since there's no jury here before -- I remember the
5 discussion this morning and everything, but --

6 MR. ACKERMAN: I just want to make sure, Your
7 Honor, that the same rules apply to us apply to the
8 defendants when they present their case through a witness.
9 That's our concern.

10 THE COURT: Okay.

11 MS. MAINIGI: Your Honor, we're happy to discuss.

12 THE COURT: Yes. Don't put it up until Mr.
13 Ackerman has had a chance to look at it.

14 MS. MAINIGI: Okay. That's fine, Your Honor.

15 MR. ACKERMAN: Mr. Fuller says it's fine. I will
16 -- I will go along with him on this one.

17 MS. MAINIGI: Mr. Fuller?

18 MR. FULLER: Sure, Judge. It's fine.

19 MS. MAINIGI: Thank you, Mr. Fuller.

20 BY MS. MAINIGI:

21 **Q.** This is an organizational chart related to Cardinal
22 Health. Mr. Mone, in the 2008 to 2012 time period, does
23 this org chart accurately reflect the folks that were above
24 you and below you?

25 **A.** The positions do. The names are not necessarily a

1 correct reflection.

2 **Q.** I think you told us earlier that, at some point, Mark
3 Hartman became Gilberto Quintero?

4 **A.** That is correct, yes.

5 **Q.** Okay. And that role, the Mark Hartman/Gilberto
6 Quintero role, can you tell us about that role?

7 **A.** That's my boss -- or shouldn't make it present tense.
8 That was my boss.

9 **Q.** And that role over -- can you describe what that role,
10 the Mark Hartman role, oversaw?

11 **A.** Yeah. That role was responsible for QRA Operations and
12 involved the RPs, the Anti-Diversion piece, and then Steve
13 Reardon's piece, which was the Quality and Regulatory
14 Affairs piece that related to the rest of the obligations
15 with regard to the distribution centers.

16 **Q.** Now, when you -- so, Mr. Reardon had your role before
17 you came in, correct?

18 **A.** Correct. It was combined, one role under Steve.

19 **Q.** And then the role got split off into two; is that
20 right?

21 **A.** Yes. I came along and I picked up the anti-diversion
22 piece.

23 **Q.** And so, the piece that Mr. Reardon held onto, can you
24 just give us a little bit more description of what that role
25 entailed?

1 **A.** Sure. He held onto the compliance officers, which is
2 why you see only a dotted line to me. They actually are --
3 they're actually a solid line in to Steve.

4 **Q.** And you meant -- I'm sorry. Go ahead.

5 **A.** And Steve handled the Distribution Center licensing and
6 security and the other components of the Distribution
7 Center.

8 **Q.** So, what do the compliance officers do at the
9 distribution centers?

10 **A.** Well, they're -- a lot of things. They're responsible
11 for the cage and vault. They're responsible for licensing.
12 They're responsible for maintaining the on-site records.
13 They're responsible for communicating to -- to
14 anti-diversion. And they're responsible to communicate up
15 to Steve.

16 **Q.** Now, I see underneath you is Know Your Customer and I
17 know that's a component of the system going forward, but can
18 you describe why it's on the org chart?

19 **A.** Yeah. We -- what we did was, you know, as I indicated
20 before, any good system is a PPT, people, process, and
21 technology. And so, we took the components of the system,
22 grouped individuals into areas of excellence, and placed
23 them in the system so that the Know Your Customer folks or
24 the intake folks, the Know Your Customer analyst folks that
25 worked with the pharmacists.

1 **Q.** So did -- did the Know Your Customer folks evaluate and
2 conduct diligence on new customers?

3 **A.** They did.

4 **Q.** And also existing customers?

5 **A.** They did.

6 **Q.** And were there -- there were questionnaires associated
7 with that process? Did they fill those questionnaires out?

8 **A.** They did not fill the questionnaires out.

9 MR. ACKERMAN: Your Honor, a leading objection to
10 the last question.

11 MS. MAINIGI: I'm just trying to move this along,
12 Your Honor.

13 THE COURT: Yeah, overruled. We need to get
14 through this and I don't see any harm to the question and
15 then the answer.

16 THE WITNESS: The answer is they didn't fill it
17 out. The customers filled it out.

18 BY MS. MAINIGI:

19 **Q.** What did the Know Your Customer folks do with the
20 questionnaires?

21 **A.** They took it and where there -- as I indicated to
22 counsel this morning, where there were objective ways of
23 assessing what the customer provided, they would look those
24 up, you know, licensure, and make sure that the licensure
25 was right, and the objective data that they could find, and

1 then they would pass that on to the pharmacist.

2 **Q.** Then there is electronic order monitoring and
3 pharmacists. And I know you referred several time to
4 pharmacists with Mr. Fuller. Can you describe the role of
5 those individuals?

6 **A.** These pharmacists were, as Mr. Fuller and I had the
7 unfortunate discussion about pharmacists being -- these are
8 our pharmacists who were assessing -- were doing the
9 assessment of both the data that was provided through the
10 Know Your Customer piece, as well as doing the evaluation of
11 the threshold events.

12 **Q.** And then there's an Investigations Team. What did they
13 do?

14 **A.** When the pharmacist made a request for additional
15 information, the pharmacist would send it over to the
16 Investigatory Team, who would then do a site visit -- to do
17 a site visit of the pharmacy and those -- the boxes are our
18 folks and we had additional -- and we talked about it
19 earlier. We had the additional consultants that would go
20 out and do those inspections.

21 **Q.** And then the Analytics Team, what did the Analytics
22 Team do?

23 **A.** The Analytics Team was the team that produced the data
24 that Mr. Fuller provided to me earlier and would work with
25 the IT Team to -- to build the analytics capability.

1 **Q.** Now, as a wholesale distributor, is it fair to say
2 Cardinal Health supplies a lot of products beyond opioids to
3 its customers?

4 **A.** Yes. We're a full -- full line -- Cardinal Health is a
5 full line pharmaceutical wholesale distributor.

6 **Q.** What are the other types of products at a very high
7 level that Cardinal Health provides?

8 **A.** Very high level, your asthma inhalers. You know, your
9 hospital supplies we provide from -- oh, from Band-Aids to
10 specialty medications in the distribution channel.

11 **Q.** As a wholesale distributor, does Cardinal Health
12 develop opioids?

13 **A.** It does not. It is not a manufacturer.

14 **Q.** Does it seek approval from the FDA to market opioids?

15 **A.** It does not.

16 **Q.** Does Cardinal Health develop or conduct clinical tests
17 on the risks and benefits of opioids?

18 MR. FULLER: Object to form. Foundation.

19 THE COURT: Overruled.

20 THE WITNESS: To the best of my knowledge, we
21 don't have any clinical folks that do that.

22 BY MS. MAINIGI:

23 **Q.** We've talked about the Closed System of Distribution.
24 Can you describe what the Closed System of Distribution
25 means?

1 **A.** The Closed System of Distribution is the process by
2 which everyone in the supply chain --

3 **Q.** Actually, hold that thought. Let me get another
4 demonstrative and let me show Mr. Fuller.

5 Mr. Simmons, if you could put up Demonstrative 4,
6 please.

7 THE WITNESS: That's the -- that.

8 BY MS. MAINIGI:

9 **Q.** Is this a picture of the Closed System of Distribution?

10 **A.** Yeah. It represents the individuals who are registered
11 by -- the closest in the distribution is everybody that's
12 registered by the Drug Enforcement Administration. So, when
13 product moves between all of these entities or that the --
14 every one of those folks is -- has a DEA registration, the
15 folks that are outside of the patients.

16 **Q.** So, to prescribe opioids, do prescribers have to be
17 registered with the DEA?

18 **A.** Yes, they do. And any -- you know, any controlled
19 substance that they wish to prescribe, they have to be
20 registered with the DEA.

21 **Q.** And the pharmacy, if it's going to dispense opioids,
22 has to be registered with the DEA?

23 **A.** In order to possess and dispense them, they, too, have
24 to be registered with the DEA.

25 **Q.** Now, you described something earlier, you mentioned it

1 a few times with Mr. Fuller, corresponding responsibility.
2 Define that for me.

3 **A.** Well, the corresponding responsibility is a term in the
4 regulations of the -- of the DEA, the CFR, that relates to
5 the --

6 COURT REPORTER: Can you keep your voice up just a
7 little bit for me, please?

8 THE WITNESS: Sure.

9 COURT REPORTER: Thank you.

10 THE WITNESS: Hold on a second. Let's --

11 MS. MAINIGI: Maybe -- I don't know if that
12 microphone pulls a little bit closer.

13 THE WITNESS: I'm almost off the desk, but --

14 MS. MAINIGI: Okay, sorry.

15 THE WITNESS: And the chair doesn't move. The
16 chair doesn't move, so I'm -- so, the only thing I can do
17 for you is to raise my voice and I'll do that.

18 MS. MAINIGI: Thank you.

19 THE WITNESS: The corresponding responsibility is
20 the -- is a component of the regulations for DEA as it
21 relates to pharmacists that reflects that the pharmacists,
22 in their determination to dispense a controlled substance,
23 must undertake a corresponding responsibility to essentially
24 assess whether the doctor who has that primary obligation,
25 when they make the decision to prescribe, has written the

1 prescription in good faith in the course of professional
2 practice for a legitimate medical purpose.

3 BY MS. MAINIGI:

4 **Q.** And that's the pharmacist's responsibility?

5 **A.** That's a corresponding responsibility, yeah.

6 **Q.** Now, what is the Cardinal role at a high level in this
7 Closed System?

8 **A.** In this Closed System, the high level is we buy -- only
9 to the extent that we're talking about controlled
10 substances.

11 **Q.** Yes. Let's go through some of that.

12 **A.** It purchases controlled substances from a DEA
13 registered manufacturer, has a DEA registration to hold it,
14 to possess it, and enables it to sell that controlled
15 substance to another DEA registered entity.

16 **Q.** In the closed system, does a Cardinal Health ship
17 directly to patients?

18 **A.** No. There's no relationship to the patient.

19 **Q.** When Cardinal ships medication to a pharmacy, how does
20 the medication go from the pharmacy's shelves to the
21 patients?

22 **A.** Presumptively, the pharmacist receives a prescription
23 that they make an assessment of that, the physician wrote it
24 in good faith in the course of professional practice and for
25 a legitimate medical purpose, thereby assuring themselves,

1 meeting their corresponding responsibility, and then
2 prepares it and dispenses it to the patient.

3 **Q.** So, if no patient comes in with a prescription to a
4 pharmacy, what happens to the medication that the pharmacy
5 ordered from Cardinal Health?

6 **A.** It sits on the shelf.

7 **Q.** And does that apply to all medications or just
8 controlled substances?

9 **A.** Everything. You know, any legend drug, any -- let me
10 -- I don't want to have definitions of legend drugs. Any
11 prescription item first requires the patient to present a
12 valid prescription to the pharmacist.

13 **Q.** Now, within this Closed System were quotas set by DEA
14 as to the nationwide amount of opioids that could be
15 produced?

16 **A.** Yes. And that applies to the manufacturer of the
17 product, the quotas.

18 **Q.** And, to your knowledge, did Cardinal Health ever ship
19 in excess of the DEA quotas?

20 **A.** It would be impossible for Cardinal Health to ship in
21 excess of the quota.

22 **Q.** Why is that?

23 **A.** Well, because Cardinal Health is not -- first of all,
24 the easy answer is Cardinal Health is not the only
25 distributor. And there are no dosage -- there are no

1 amounts above what the DEA quota is that can be
2 manufactured, so no one could distribute more than what the
3 quota was.

4 **Q.** To your knowledge, did Cardinal Health ever ship to a
5 pharmacy in Cabell or Huntington that was not registered
6 with the DEA and licensed by the State of West Virginia?

7 **A.** To the best of my knowledge, we would not ship to any
8 customer that was not registered by the State or the -- in
9 the jurisdictions where the state required controlled
10 substance registration and a DEA registration.

11 **Q.** And, to your knowledge, did Cardinal Health ever ship
12 prescription opioids to a pharmacy in Cabell or Huntington
13 that Cardinal Health knew or should have known was
14 dispensing for a purpose other than to fill legitimate
15 prescriptions written by doctors?

16 **A.** No.

17 **Q.** Now, when it comes to some of the reporting that
18 Cardinal Health does to the DEA, is there reporting called
19 ARCOS that you're familiar with?

20 **A.** Yes.

21 **Q.** Can you describe what that is?

22 **A.** Well, firstly, that -- the ARCOS reporting vault fell
23 under Steve.

24 **Q.** Steve Reardon?

25 **A.** Steve Reardon, yeah. He's not there anymore, but Steve

1 Reardon. That's the component of that security and what
2 have you that Steve did on the QRA side.

3 But the ARCOS Report is a report that is required to be
4 submitted by -- I think it's manufacturers and distributors
5 for all schedule Is, all Schedule IIs, and narcotic IIIs.

6 **Q.** So, for every single pill, Mr. Mone, the controlled
7 substance that Cardinal Health shipped, did the DEA know who
8 it shipped to?

9 **A.** Ultimately, DEA would know -- be able to know that
10 information. It directly gets every month the ARCOS Reports
11 which would -- now, mind you, we don't have any Schedule Is,
12 but it's all Schedule IIs and Narcotic IIIs.

13 **Q.** And would the DEA know when that shipment occurred?

14 **A.** Yes.

15 **Q.** At any point during your time with Cardinal Health's
16 Anti-Diversion Team from 2008 to 2012 did DEA inform
17 Cardinal Health that it believed its shipments to Cabell
18 County or Huntington were excessive?

19 **A.** No. There was no communication from DEA with regard to
20 that.

21 **Q.** At any point during your time with Cardinal Health's
22 Anti-Diversion Team from 2008 to 2012 did DEA inform
23 Cardinal Health that its shipments to any particular
24 pharmacy in Cabell County or Huntington were excessive?

25 **A.** No, they did not.

1 MS. MAINIGI: Your Honor, I'm about to change
2 sections. Would now be a good time for our break?

3 THE COURT: Yes. Let's take about a ten-minute
4 break here.

5 (Recess taken)

6 (Proceedings resumed at 3:40 p.m.)

7 THE COURT: Mr. Mone, you can come on back up,
8 sir.

9 BY MS. MAINIGI:

10 Q. Welcome back, Mr. Mone.

11 A. Thank you.

12 Q. During the time that you worked at Cardinal, were you
13 provided the resources necessary for the Anti-Diversion work
14 that you led?

15 A. Yes.

16 Q. And during your tenure did the Anti-Diversion staff
17 grow?

18 A. It did.

19 Q. Let's walk through the main components of the
20 Suspicious Order Monitoring System that you helped to design
21 and lead.

22 Demonstrative 5, Mr. Simmons, which counsel has no
23 objection to, Your Honor.

24 BY MS. MAINIGI:

25 Q. So let's start with the Know Your Customer

1 component. I think you've talked about that a bit with
2 Mr. Fuller, but did that part of the system involve
3 gathering information about new customers?

4 **A.** It did.

5 **Q.** And, and how did that work? Describe it to us at a
6 high level.

7 **A.** Well, the customer process was a holistic process that
8 involved all of the Cardinal Health team members. It
9 involved the sales folks that were at the, that were at the
10 customer. It involved merchandisers. It involved the, the
11 questionnaire. It involved the assessment of the answers on
12 the questionnaire. The compliance officers could on
13 occasion, and would on occasion, go to do ride-alongs with
14 the, the folks. So we built a program that was, you know,
15 holistic.

16 **Q.** And what did you do with the information that got
17 gathered as part of Know Your Customer?

18 **A.** Well, in the initial stages, it was paper and we kept
19 that paper and it was used by the pharmacists in their
20 evaluations.

21 **Q.** Now, after a new customer was on-boarded, did the Know
22 Your Customer process continue?

23 **A.** It did. It was a continuous -- you know, customers
24 changed. Things changed with regard to the business. So it
25 was a continuous process.

1 **Q.** The second component of the system, Electronic Order
2 Monitoring, can you describe that part of the system,
3 please?

4 **A.** Well, that was the technology component of the system
5 whereby the, the system -- there's a warehouse management
6 system which -- there's a warehouse management system
7 that -- in which the orders are placed. And as a module on
8 top of and alongside it, there was the Electronic Order
9 Monitoring component that reviewed those orders that came
10 in.

11 **Q.** And this is where the thresholds are that you spoke to
12 Mr. Fuller about?

13 **A.** Yes.

14 **Q.** And can you describe -- I know it's a very elaborate
15 process in terms of setting the thresholds, but at a high
16 level can you describe the threshold process?

17 **A.** Yeah. The threshold process was a process whereby we
18 took the totality of the circumstances that we knew and the
19 characteristics of the pharmacy and the description of the
20 patients that they treated, put, put that into a -- put that
21 into the thought, put that into the thought process and made
22 an evaluation of the type of customer that they were,
23 segmenting the classification that they were, whether they
24 were a retail pharmacy or a hospital or a chain pharmacy,
25 and then sub sub-setting them into sizes.

1 **Q.** So were there individualized thresholds for each
2 pharmacy customer?

3 **A.** There were individual thresholds for each pharmacy
4 customer over -- well, even the initial one was
5 individualized for that pharmacy, but it was individualized
6 in a, in a bucket. And then over time, it became even more
7 customized.

8 **Q.** And what would the categories of information that went
9 into or were considered in setting a threshold?

10 **A.** Well, we looked at their prior, prior history if it was
11 available. We looked at the characteristics of the pharmacy
12 because like a Hospice pharmacy is going to look totally
13 different than a psych pharmacy which is going to look
14 totally different than a compounding pharmacy.

15 And they all may be retail independents, but their
16 individual characteristics are going to differ in terms of
17 how they are likely to order controlled substances, as well
18 as every other drug.

19 **Q.** And over the years that you were there, did you modify
20 or enhance your threshold setting methodology?

21 **A.** Yes. Over time we consistently looked at and built
22 models to run the data against to adjust to be as precise as
23 we could be given the limited information that we had.

24 **Q.** So if an order went above the threshold that was set
25 for that particular pharmacy, what would happen next?

1 **A.** Well, the, the order would be held and the pharmacist
2 would conduct an evaluation.

3 **Q.** Mr. Simmons, could we go back to the chart for a
4 moment.

5 So the pharmacist in the Electronic Order Monitoring,
6 those pharmacists would review the order then?

7 **A.** That is correct.

8 **Q.** And what -- to your knowledge, what are some of the
9 things that that pharmacist or pharmacist team would do at
10 that stage when an order had kicked to them?

11 **A.** Well, among other things -- and I can't tell you
12 exactly what each pharmacist would do because there's a,
13 there's a professional analysis that goes along with it.

14 But they would look at the Know Your Customer
15 information that they had available to them. They'd look at
16 the data that they had available to them in the system.
17 They would look at the order. They would look at where the
18 pharmacy is located.

19 They would look at -- they would look at, you know,
20 things like their relationship to a hospital, the customer,
21 where they were. It's the totality of the circumstances
22 for, for that pharmacy.

23 Whatever we had and whatever they thought we needed, if
24 they needed something else, they'd go to the Know Your
25 Customer folks or they'd pick up the phone and call the

1 pharmacy, or they would try and get the information that was
2 necessary to, to make an appropriate assessment.

3 **Q.** Mr. Simmons, could you put the other back up.

4 Now, when the pharmacist had, had an order that had
5 kicked over to them, could their evaluation sometimes
6 involve a visit to the pharmacy?

7 **A.** Yes.

8 **Q.** And could you describe that to me?

9 **A.** Well, a visit to the pharmacy would be a, a -- the
10 investigative -- it's interesting. I'm going to say this.
11 The investigative folks were the primary folks that were
12 responsible for doing the investigations, plus the
13 consultants that were investigators. And most of those were
14 former DEA diversion investigators that we used.

15 Those folks would go in and they would use the
16 framework of the Know Your Customer questionnaire as a basis
17 for their inquiry when they got to the pharmacy.

18 So they did this like -- they, they did a pre-review of
19 the data. And they would look at everything that we had.
20 They would fill out a pre-review. And then the investigator
21 would go in and get information to support or to support and
22 affirm the information that they had, or if something had
23 changed like, for example, they bought the files and -- you
24 know, a chain pharmacy bought a file of a pharmacy that a
25 pharmacy had closed, oh, there's, there's a change, and the

1 independent pharmacy bought the files of the pharmacy that
2 closed, there's a change. How many prescriptions did you
3 buy, what type of patients, all of that would go into it and
4 then they would write a report.

5 **Q.** And, so, site visits may kick out of the electronic
6 order monitoring process, but they might also be part of the
7 investigations process?

8 **A.** Yeah, yeah. They, they weren't required to be done
9 that way, you know. But both ways could result in, in, in
10 an investigation.

11 **Q.** Now, who were the people who would conduct the site
12 visit?

13 **A.** Well, when, when I got there, I'm a firm believer in
14 cross functionality of folks. So the investigators that we
15 hired -- we hired former police. We hired former -- we
16 hired former Board of Pharmacy inspectors. We hired former
17 Medicaid fraud unit inspectors. And that was the type of
18 individual that I wanted, but I wanted a broad swath of them
19 so that they could cross-train each other.

20 **Q.** And, so, those were some of the types of folks you
21 hired as investigators who visited the pharmacy?

22 **A.** Yes.

23 **Q.** And the site visit process, was there a checklist or
24 something that they worked off of?

25 **A.** Like I said, they used the Know Your Customer

1 questionnaire as -- used the Know Your Customer
2 questionnaire as a framework. They did have their own
3 document, but that's the framework that they used.

4 **Q.** Now, did you personally ever conduct site visits?

5 **A.** I did on occasion, rare occasions, but I did.

6 **Q.** Now, we've talked a lot about suspicious orders. At
7 what point does a pharmacist in the Anti-Diversion group
8 decide whether an order is suspicious?

9 **A.** They would decide that at the end of the evaluation
10 that they made about the totality of the circumstances for
11 that pharmacy and that order.

12 **Q.** And when a pharmacist made a determination that an
13 order was suspicious, what did Cardinal Health do next?

14 **A.** The order was reported to DEA.

15 **Q.** Was it shipped?

16 **A.** No.

17 **Q.** To your knowledge, during your time at Cardinal Health,
18 did the company ever ship a suspicious order?

19 **A.** No, it did not.

20 **Q.** I'm going to show you briefly a document that was
21 previously admitted, Mr. Mone, and I don't think you've
22 necessarily seen it, but I just want to ask you a couple of
23 questions off of it.

24 Defendants' 1.

25 MR. FULLER: Judge, I would object to the

1 broadcasting until the witness has laid a foundation for it.

2 THE COURT: Okay.

3 MS. MAINIGI: It's an admitted document, Your
4 Honor.

5 THE COURT: It's already been admitted, Mr.
6 Fuller. Put it back up.

7 BY MS. MAINIGI:

8 Q. Now, Mr. Mone, what I'm putting in front of you is
9 Defendants' Exhibit 1 which I will submit to you is the
10 presentation that was provided at the September 11th,
11 2007, DEA conference by AmerisourceBergen. And I know
12 you did not see this presentation at the time. I know
13 you didn't attend the conference. I know Mr. Reardon
14 did.

15 There are just a couple of components of the program
16 that were put forward in this conference that I just want
17 you to look at and comment as to whether they compare to the
18 Cardinal system that you helped put together.

19 MR. FULLER: Judge, I'm going to object. She's
20 going to question a witness who hasn't seen a document that
21 you've prevented me from doing repeatedly about whatever is
22 in the document?

23 MR. ACKERMAN: At a conference where the witness
24 did not attend.

25 MS. MAINIGI: Your Honor, he, he's testified that

1 Cardinal modeled their system from this conference. Others
2 did attend it and he's the primary architect of the new
3 system at Cardinal.

4 I've represented that he has not seen the document
5 before. I just want to walk through some of the generic
6 components in the document.

7 MR. ACKERMAN: We maintain our foundation
8 objection, Your Honor.

9 THE COURT: I'll sustain the objection.

10 MS. MAINIGI: We can take that down, Your Honor.
11 Is it all right if I just run through a few of the
12 components orally?

13 THE COURT: You can ask the questions and see
14 where we go.

15 MS. MAINIGI: Okay. That's fine, Your Honor.

16 BY MS. MAINIGI:

17 Q. You can set aside, Mr. Mone, the document. I'm
18 looking at Page 6 of the document. You described to us
19 a Know Your Customer component just now to the Cardinal
20 system; correct?

21 A. I did.

22 Q. And you also described an Order Monitoring Program type
23 component and Electronic Monitoring Program component?

24 A. Yes.

25 Q. And did you describe to me an investigations component?

1 **A.** I did.

2 **Q.** And was there training also done at Cardinal Health
3 related to Anti-Diversion?

4 **A.** Yes.

5 **Q.** Can you describe that for me at a high level?

6 **A.** At a high level we built modules, training modules that
7 were a component of performance metrics for employees that
8 involved reviewing the presentation and taking a test and
9 requiring you to get 100 percent on the test before you
10 could -- otherwise, you would be in this constant loop of
11 watching the slides again until you got 100 percent of the
12 answers correct.

13 **Q.** Who -- let me back up. Who received training on
14 Anti-Diversion at Cardinal Health?

15 **A.** Well, to the best of my knowledge, I'm going to say
16 just about everybody. What we did was -- Anti-Diversion was
17 everybody's -- was everyone's responsibility. And the folks
18 that I know that did were the, the sales folks, the sales op
19 folks, my folks, and the distribution center employees. I
20 know those folks did.

21 **Q.** And you were describing this 100 percent -- everybody
22 had to take a test and get 100 percent on the test; is that
23 right?

24 **A.** You got the question wrong, you went back through the
25 slides again. And I think the testing folks were even mean

1 because when you got to the questions, they rearranged the
2 answers so that you couldn't memorize that the answer was,
3 the one you put was C and, you know, they were just sneaky.

4 **Q.** Okay. Now, your Know Your Customer due diligence, did
5 Cardinal Health's program for Know Your Customer also
6 include a new account set-up process, the new account
7 questionnaires?

8 **A.** It did.

9 **Q.** And you discussed already the on-site visit. Is that
10 fair?

11 **A.** Yes.

12 **Q.** Monthly sales limits. Did Cardinal Health have monthly
13 sales limits for its customers?

14 **A.** I don't know what you mean by sales limits.

15 **Q.** Did Cardinal's system segment customers by size
16 initially?

17 **A.** Yes, it did.

18 **Q.** And Cardinal Health called those thresholds?

19 **A.** Yes.

20 **Q.** During the time you were head of Anti-Diversion at
21 Cardinal Health, did the Wheeling distribution center have a
22 DEA registration that entire time?

23 **A.** It did.

24 **Q.** And in that time period, 2007 to 2012, did distribution
25 centers have to periodically renew their DEA registration?

1 **A.** They -- they're required to periodically renew. I
2 think it's a three-year license.

3 **Q.** So, to your knowledge, did DEA renew the Wheeling, West
4 Virginia, distribution center license each time it applied?

5 **A.** I would submit to you that it did.

6 **Q.** Is it your understanding that if the DEA had ever had a
7 problem with the Wheeling facility that they would have let
8 you know about it?

9 **A.** I would like to believe that they would have.

10 **Q.** Is it fair to say that if the DEA had an issue with
11 Cabell/Huntington pharmacies, they would have done something
12 about it to your understanding?

13 MR. ACKERMAN: Objection, speculating.

14 THE COURT: Well, if he knows.

15 THE WITNESS: I, I would like to believe they
16 would inform me.

17 BY MS. MAINIGI:

18 **Q.** To receive and maintain a DEA registration, did DEA
19 have to determine that Cardinal Health had to provide
20 effective controls to guard against diversion?

21 **A.** Yes.

22 **Q.** And did that involve physical security measures?

23 **A.** Yes.

24 **Q.** Did it involve suspicious order reporting?

25 **A.** Yes.

1 **Q.** Now, the physical security measures we haven't talked
2 about much. But at a high level, what did the regulations
3 require?

4 **A.** The regulations on physical security are rather
5 extensive I think is a good word there. There's, there's
6 the amount of rebar that has to be in the concrete and how
7 wide the, the cage has to be -- it has to be set -- and who
8 can have access to the cage and vault.

9 Those, those physical security requirements -- the
10 cameras that you have to have. You know, there's a lot of
11 extensive regulations on physical security.

12 **Q.** So there's a lot of details built into those
13 regulations?

14 **A.** Oh, yeah.

15 **Q.** Now, as to the suspicious order reporting requirement,
16 what did the regulations require?

17 **A.** The suspicious order -- it's a fairly small section
18 that says that, that upon discovery, the, the -- you must,
19 you must -- and I'm probably going to get this wrong --
20 design and implement the system to identify to the
21 registrants suspicious orders of controlled substances. It
22 was maybe 60 words and that's it.

23 **Q.** Now, did Cardinal Health report suspicious orders not
24 just to the DEA but any other state regulatory body in West
25 Virginia?

1 **A.** Yes, to the Board of Pharmacy.

2 **Q.** And do you have any understanding of what the DEA did
3 with the suspicious order report?

4 **A.** I do not.

5 **Q.** Did the regulations specify what must be included in a
6 Suspicious Order Monitoring System?

7 **A.** No, it doesn't.

8 **Q.** Your SOM system that you helped put together, Mr. Mone,
9 did you come up with SOPs, Standard Operating Procedures,
10 related to various parts of the system?

11 **A.** Yes, SOPs were created.

12 **Q.** And why did you create SOPs?

13 **A.** The, the rationale for creating an SOP is to both
14 create a framework within which all the employees know what
15 to expect and it forms the basis for, if you will, training
16 new employees in the areas that they're going to be engaged.

17 **Q.** I'm going to try to run through -- get a couple of SOPs
18 in here quickly. Cardinal 1. Mr. Mone, could you tell us
19 what Cardinal 1 is?

20 **A.** It is the SOP for a new retail independent customer
21 survey process.

22 **Q.** And if you could continue to keep your voice up, sir.

23 **A.** Okay. I'm sorry.

24 **Q.** If you turn to the last page, you're listed as the
25 owner of the document. What does that mean?

1 **A.** It means that I was the last person to review the
2 document before it went over to be approved and entered into
3 the, for lack of a better term, the SOP system.

4 **Q.** And, to the best of your knowledge, were these
5 procedures followed at Cardinal Health?

6 **A.** Yes, they were.

7 **Q.** Let me put in front of you --

8 MS. MAINIGI: Your Honor, actually could I go
9 ahead and move into evidence Cardinal Exhibit 1?

10 MR. FULLER: No objection, Judge.

11 THE COURT: It's admitted.

12 MS. MAINIGI: Thank you, Your Honor.

13 Could I get Cardinal 30, please.

14 BY MS. MAINIGI:

15 **Q.** Could you identify Cardinal 30 for the record,
16 please, Mr. Mone?

17 **A.** It is the SOP for the new account approval process.

18 **Q.** And did you assist with putting this SOP together?

19 **A.** I was an approver of this.

20 **Q.** And what was the purpose of this SOP?

21 **A.** In a similar way, it sets the framework for how folks
22 are supposed to operate.

23 **Q.** And who implemented the procedures in this SOP?

24 **A.** That would have been the KYC individuals.

25 MS. MAINIGI: Could I get Cardinal 745, please.

1 And, Your Honor, I'd like to move into evidence while
2 we're waiting Cardinal 30.

3 THE COURT: Is there any -- you're moving into
4 evidence 30?

5 MS. MAINIGI: Yes, Your Honor.

6 THE COURT: Is there any objection to 30?

7 MR. FULLER: No, Your Honor.

8 THE COURT: It's admitted.

9 THE WITNESS: May I amend my last statement?

10 BY MS. MAINIGI:

11 **Q.** Yes, please.

12 **A.** Not only was it our SOM people, but because this had to
13 do with the, the database, this also applied to the
14 individuals that maintained the database of customers.

15 **Q.** Thank you, Mr. Mone.

16 Please take a look at Cardinal 745. And could you
17 identify this SOP for us, please?

18 **A.** This is the process to establish SOM threshold limits.

19 **Q.** And did you help put this together as well?

20 **A.** To the best of my recollection, I participated.

21 **Q.** And do you know who else assisted in putting this
22 together?

23 **A.** It would have been the analytics people.

24 **Q.** And this is the process followed by who to set
25 thresholds?

1 **A.** It is the framework and methodology when formulating
2 thresholds by the analytics people and, of course, the
3 pharmacists.

4 **Q.** And, to the best of your knowledge, were these
5 procedures followed at Cardinal Health to set thresholds?

6 **A.** To the best of my knowledge, they were.

7 MS. MAINIGI: Your Honor, I'd like to move in
8 Cardinal 745, please.

9 THE COURT: Any objection to 745?

10 MR. FULLER: No, Your Honor.

11 MS. MAINIGI: Could I have Cardinal --

12 THE COURT: It's admitted.

13 MS. MAINIGI: Thank you, Your Honor.

14 BY MS. MAINIGI:

15 **Q.** Cardinal 743. Could you identify that, please, Mr.
16 Mone?

17 **A.** It is the SOP for threshold event review,
18 self-verification; decision making and threshold outcome
19 communication.

20 **Q.** So the last SOP related to setting the threshold. What
21 related to the threshold does this SOP cover?

22 **A.** This covers the rest of the story with regard to what
23 is done with reports.

24 **Q.** And, so, does this cover what happens if something
25 kicks out of a threshold analysis or review?

1 **A.** Yes, it does.

2 **Q.** Does it -- is it one of the tools that gets used to
3 help determine whether an order is reported as suspicious or
4 not?

5 **A.** Yes, it does.

6 **Q.** And, to your knowledge, were these -- was this SOP
7 followed at Cardinal?

8 **A.** To the best of my knowledge, yes.

9 MS. MAINIGI: Your Honor, I'd like to move for the
10 admission of 743.

11 THE COURT: Any objection to 743?

12 MR. FULLER: No objection.

13 MR. ACKERMAN: No objection.

14 THE COURT: It's admitted.

15 BY MS. MAINIGI:

16 **Q.** Now, Mr. Mone, was there any involvement by the
17 sales department in the threshold event review process?

18 **A.** No.

19 MS. MAINIGI: May I ask for Cardinal 740, please.

20 BY MS. MAINIGI:

21 **Q.** Coming back on sales for a moment while we hand
22 this out, so sales, the sales staff did not participate
23 in setting customer thresholds?

24 **A.** They did not.

25 **Q.** Did sales staff participate in raising or lowering

1 thresholds?

2 **A.** No, they did not.

3 **Q.** Did sales staff participate in evaluating individual
4 pharmacy orders?

5 **A.** No, they did not.

6 **Q.** Were sales staff part of any decision about whether an
7 order would be reported to DEA as suspicious?

8 **A.** No, they were not.

9 **Q.** Can you identify Cardinal 740, please?

10 **A.** It is the SOP for detecting and reporting suspicious
11 orders and responding to threshold events.

12 **Q.** Is this an updated SOP?

13 **A.** It is.

14 MS. MAINIGI: Your Honor, I'd like to move for the
15 admission of Cardinal 740.

16 THE COURT: Any objection to 740?

17 MR. FULLER: No, Your Honor.

18 MR. ACKERMAN: No.

19 THE COURT: It's admitted.

20 BY MS. MAINIGI:

21 **Q.** I'm going to put, Mr. Mone, Cardinal 26 in front of
22 you in a moment. Can you identify Cardinal 26 for us,
23 please?

24 **A.** It is the on-site investigations SOP.

25 **Q.** And what does this SOP cover generally?

1 **A.** The guidance on -- in outlining the steps involved in
2 conducting on-site investigations.

3 **Q.** So investigators would know to follow this SOP in terms
4 of what to look for when they were on-site?

5 **A.** Yes, they would.

6 **Q.** And, to your knowledge, was, was this SOP followed at
7 Cardinal?

8 **A.** To the best of my knowledge, it was.

9 MS. MAINIGI: I'd like to move for the admission
10 of Cardinal 26, please.

11 THE COURT: Any objection to 26?

12 MR. FULLER: No, objection.

13 MR. ACKERMAN: No, Your Honor.

14 THE COURT: It's admitted.

15 BY MS. MAINIGI:

16 **Q.** Mr. Mone, I've put Cardinal 747 in front of you.
17 Can you identify this SOP, please?

18 **A.** It is an on-site investigations SOP.

19 **Q.** And how does it relate to the last SOP we just looked
20 at?

21 **A.** This is an update.

22 **Q.** And, so, these SOPs were updated periodically?

23 **A.** Yes, they were.

24 **Q.** And did you participate in this updating process?

25 **A.** To the best of my recollection, I did. No, it's in

1 October -- this is '12 -- I don't remember this one.

2 **Q.** Are you listed as the approver on Page 21?

3 **A.** Page 21. Oh, sure enough. I must have done it.

4 **Q.** What's the difference between the approver and the
5 owner on these SOPs?

6 **A.** The system -- and, and I don't know the accounting
7 terms for this. But you're not supposed to have the same
8 person who does something be the approver of it. And, so,
9 it's a system whereby one person writes it and prepares it
10 and another person approves it.

11 **Q.** So it's a checks and balances?

12 **A.** Yeah. And then the, the approver -- once the approver
13 approves it, it gets entered into the system.

14 **Q.** To your knowledge, was this SOP followed at Cardinal?

15 **MR. FULLER:** Your Honor, objection. There hasn't
16 been a proper foundation. This witness has testified he
17 doesn't even recall this SOP.

18 **THE COURT:** I think he changed his mind and said
19 he did.

20 **THE WITNESS:** I did, yeah. I'm sorry. I
21 apologize.

22 **MR. FULLER:** He said he didn't remember it. His
23 name's on it.

24 **THE COURT:** Well, and then he --

25 Do you remember it?

1 THE WITNESS: Do I, do I remember this with the
2 specificity that I do other things? No, I don't. But,
3 undoubtedly, in order for this to have gotten in, I would
4 have at the time had to have been able to do it.

5 THE COURT: Okay. Objection is overruled.

6 MR. ACKERMAN: Your Honor, apologies. I'd also
7 offer an objection on the grounds that the time frame -- the
8 question was, was this standard operating procedure
9 followed. And the witness has testified that during the
10 time frame following the standard operating procedure he
11 wasn't responsible for QRA I thought unless I'm
12 misremembering the testimony.

13 BY MS. MAINIGI:

14 Q. When did you stop heading up Anti-Diversion in
15 2012?

16 A. September.

17 Q. This is dated April?

18 A. I apologize for creating the confusion. It was -- it's
19 a long day.

20 Q. Until at least you left Anti-Diversion, do you have any
21 reason to believe that this SOP was not followed?

22 A. No.

23 MS. MAINIGI: Your Honor, I'd like to move for the
24 admission of Cardinal 747, please.

25 THE COURT: Is there any objection to it now?

1 MR. ACKERMAN: No objection.

2 THE COURT: Mr. Fuller?

3 MR. FULLER: No, Your Honor.

4 THE COURT: Admitted.

5 BY MS. MAINIGI:

6 Q. Mercifully we're done with the SOPs.

7 If I could shift your attention to chain pharmacies
8 because I think you got a few questions about chain
9 pharmacies from Mr. Fuller. Do you recall that?

10 A. Yes, I do.

11 Q. What chain pharmacies do you recall Cardinal Health
12 supplying?

13 A. We had chain pharmacies like Kroger and, and mostly,
14 and most -- to the best of my recollection, most all of
15 their banners. There's Kroger and then there's like 20
16 different kind of grocery stores underneath them. We had
17 CVS. We had -- and some regional, some smaller regional
18 chains.

19 Q. Did you ever have Walgreens?

20 A. For a period of time we did.

21 Q. Safeway? K-Mart?

22 A. Safeway we did. K-Mart, yes, K-Mart we did as well.

23 Q. And did -- we looked at the three components of the
24 Cardinal Health system -- do you recall that?

25 A. I do.

1 **Q.** -- on the screen. Did Cardinal Health's Electronic
2 Monitoring System apply in the same way to chains and retail
3 independents?

4 **A.** It did.

5 **Q.** Were there any differences in the way that the SOM
6 process dealt with chain pharmacies as compared to
7 independent retail pharmacies?

8 **A.** Only to the extent of where we obtained our
9 information.

10 **Q.** Can you describe that to me, please?

11 **A.** Well, given, given the chain structure, instead of --
12 in a, in a retail pharmacy we would go to that independent
13 retail pharmacy to get the information. In the chain
14 structure, we went to the chain folks to get information.

15 **Q.** Why would you do it that way for the chain?

16 **A.** Well, that's where the information is. That's where
17 the information can be collected. And that was the most
18 efficient way of getting that information, as well as
19 providing a circumstantial guarantee that the information
20 was accurate because the data that we were looking for would
21 be housed centrally as opposed to trying to get it at a
22 chain, at an individual store level. They were able to get
23 it to us easier.

24 **Q.** The chain pharmacies generally maintained the type of
25 information you were looking for at their corporate

1 location?

2 **A.** Yes.

3 **Q.** Now, do you recall, Mr. Mone, whether there was any
4 guidance from DEA as to whether chain pharmacies should be
5 treated the same or different than retail independents?

6 **A.** No, I don't recall that.

7 **Q.** Were chains assigned customized thresholds for all
8 controlled substances like other customers were?

9 **A.** Yes, they were.

10 **Q.** Did the Cardinal Anti-Diversion team apply the same
11 standard in their review of threshold events for chain
12 pharmacies in the same way that they did for other
13 customers?

14 **A.** Yes, they did.

15 **Q.** Did your team, to your knowledge, ever lower the
16 thresholds for chain stores?

17 **A.** Yes. In fact, we raised and lowered thresholds for all
18 of our customers based upon the totality of the
19 circumstances and the analysis that we made.

20 **Q.** And the manner in which you did that, was that
21 consistent with how it was done for independents?

22 **A.** Yes.

23 **Q.** In addition to training your employees on
24 Anti-Diversion, did Cardinal Health talk to its customers
25 about Anti-Diversion?

1 **A.** Yes.

2 **Q.** I'm going to ask for Cardinal 458, please.

3 After you've had a chance to look at it, Mr. Mone,
4 could you identify Cardinal 458, describe what it is?

5 **A.** It is a, it is a correspondence between Cardinal Health
6 and our customers that included a, an article that was
7 commissioned by two pharmacists -- written by two pharmacist
8 attorneys as an education piece about understanding the
9 pharmacist corresponding -- well, in this instance,
10 corresponding responsibility, yeah.

11 **Q.** And you described corresponding responsibility before?

12 **A.** I did.

13 **Q.** What was the purpose, to your understanding, of sending
14 this communication to customers?

15 **A.** Just as we would provide continuing education for
16 pharmacists at state, local, and national meetings, we
17 wanted to deliver, we wanted to deliver information to
18 customers to remind them of their obligations with regard to
19 the dispensing of controlled substances pursuant to
20 prescriptions that were written.

21 **Q.** You mentioned continuing pharmacy education at various
22 meetings. Can you give me a little bit more flavor of that?

23 **A.** Well, often times we would be either invited -- almost
24 always it's invited. I don't recall ever asking to speak.
25 But we would have invitations to speak and provide -- just

1 like we have CLE, there's continuing pharmacy education for
2 pharmacist programs. And we would, we would present those
3 at state and national pharmacy meetings.

4 **Q.** And why was correspondence like this, or attending
5 those pharmacy events so important?

6 **A.** Again, it goes back to my philosophy that
7 Anti-Diversion is everyone's responsibility. And because
8 they are our customers, we want to educate our customers in
9 the best manner that we can so that they're doing the right
10 things; that they're aware of doing the right things.

11 MS. MAINIGI: Your Honor, I'd like to move for the
12 admission of Cardinal 458, please.

13 THE COURT: Any objection to 458?

14 MR. FULLER: No objection, Judge.

15 MR. ACKERMAN: No objection.

16 THE COURT: 458 is admitted.

17 MS. MAINIGI: Can I get Cardinal 765, please?

18 BY MS. MAINIGI:

19 **Q.** Now, plaintiffs' counsel asked you, Mr. Mone, a few
20 questions about Medicine Shoppe. Do you remember that?

21 **A.** I do.

22 **Q.** Specifically, a Medicine Shoppe pharmacy I think called
23 T & J Enterprises located in Huntington. And what I've put
24 in front of you, Cardinal 765, is a document related to that
25 pharmacy. Could you identify what it is for us, please?

1 **A.** It is a Retail Pharmacy Self-Questionnaire.

2 **Q.** And this was submitted by the Medicine Shoppe in
3 February of 2008?

4 **A.** Yes, it was.

5 **Q.** And this is the type of questionnaire that you walked
6 through with us earlier; is that right?

7 **A.** Yes.

8 MS. MAINIGI: Your Honor, I'd like to move into
9 evidence Cardinal 765.

10 THE COURT: Any objection to 765?

11 MR. FULLER: No objection, Your Honor.

12 MR. ACKERMAN: No objection.

13 THE COURT: All right, it's admitted.

14 BY MS. MAINIGI:

15 **Q.** Let's take a look at Question 22 of the document,
16 Mr. Mone.

17 **A.** Okay.

18 **Q.** Did the pharmacy sign a compliance agreement requiring
19 it to adhere to all rules and regulations regarding
20 diversion?

21 **A.** Yes.

22 **Q.** And let's look at 23 and 24. Does Cardinal ask about
23 the history with the DEA in these questionnaires?

24 **A.** It did.

25 **Q.** And it asks whether there's been a suspension or

1 revocation?

2 **A.** It did.

3 **Q.** And how about 39? What does 39 show?

4 **A.** Question 39 asks about the pain management clinics and
5 nursing homes and long-term care facilities or hospices that
6 the pharmacy may supply, provide prescriptions for.

7 **Q.** And why is this type of question important to ask?

8 **A.** It's an important question to ask to know your customer
9 and to know and understand the scope of what their likely
10 controlled substance use would be.

11 THE COURT: How often did you have these filled
12 out by the pharmacies?

13 THE WITNESS: These were filled out by the
14 pharmacy on paper initially, then electronically after
15 threshold events.

16 THE COURT: And how often were they done?

17 THE WITNESS: They were done periodically. There
18 was no set schedule to it.

19 THE COURT: Okay.

20 BY MS. MAINIGI:

21 **Q.** And then there was a questionnaire that was done at
22 the beginning before a pharmacy was on board; correct?

23 **A.** Correct.

24 **Q.** But this is one that just came up periodically, so you
25 had two different types of questionnaires?

1 **A.** Yeah. They had -- essentially, the same questions were
2 being asked because you would be able to then look at the
3 changes that were made from questionnaire to questionnaire.

4 **Q.** Now, after the pharmacy provides this type of
5 information, does Cardinal Health verify it?

6 **A.** To the extent that we were able to verify the
7 information from objective sources, yes. And when a site
8 visit was conducted, the investigator would continue to
9 question to determine as best he or she could the validity
10 of the answers.

11 **Q.** Okay. Let's take a look at Cardinal 763, please. I'm
12 going to hand to you an example of the threshold event
13 review process, Mr. Mone. Can you describe what this is a
14 snapshot of, please?

15 **A.** This is a snapshot of the Anti-Diversion Customer
16 Profile that formed the basis of the, the review by the
17 pharmacist of an order that did a threshold for a specific
18 customer.

19 **Q.** So this is one of the screens that the pharmacist might
20 look at when something is kicked out for threshold review?

21 **A.** Yes, it would be.

22 **Q.** And this particular one that's in front of you, is this
23 for T & J Enterprises that we were just talking about?

24 **A.** It is.

25 **Q.** And is this, is this called the ADC profile?

1 **A.** It is.

2 **Q.** And explain that profile to us, please.

3 **A.** So in, in a -- in the process of continuous
4 improvement, we started out with a paper system and files.
5 And my vision was to have ADC, Anti-Diversion
6 Centralization. I wanted to have the disparate systems that
7 existed that the pharmacist had to go to to collect and
8 collate all of the information into one spot so that it was
9 easier for them to consume and would drive efficiency.

10 And this is one iteration of that continuous
11 improvement of driving toward, having the pharmacist and the
12 team be able to consume information and make decisions and
13 record those decisions.

14 **Q.** What sort of type of information is available here?

15 **A.** On the form you have the DEA license information.
16 You've got the customer information. You've got a purchase
17 profile which gives you a broader sense of the pharmacy, not
18 just the controlled substances. You have the SOM event
19 specific information. And for that drug family you have the
20 historical purchase data.

21 MS. MAINIGI: Your Honor, I'd like to move for the
22 admission of Cardinal 763, please.

23 THE COURT: Any objection to 763?

24 MR. FULLER: No, Your Honor.

25 MR. ACKERMAN: No objection.

1 THE COURT: It's admitted.

2 MS. MAINIGI: May I have Plaintiffs' 2020, please.

3 Any objection to admitting Plaintiffs' 2020?

4 MR. ACKERMAN: I'm still reviewing it, but it
5 looks like hearsay.

6 MS. MAINIGI: Let's go through it. I don't want
7 to put it up on the screen.

8 BY MS. MAINIGI:

9 Q. Mr. Mone, if you could turn to the second page,
10 it's an email. Does this look like the email that was
11 shown to you earlier by Mr. Fuller specifically as it
12 relates to T & J Enterprises, Medicine Shoppe in
13 Huntington, West Virginia? Remember there was a black
14 hole email --

15 A. Yes.

16 Q. -- and you talked about this earlier?

17 A. Page 2 does appear to be that, the content of that
18 prior document.

19 Q. And I think what he didn't show you is the follow-on
20 email from Mr. Quintero. If you could take a look here and
21 then let me know what you understood the response was from
22 Mr. Quintero.

23 A. So what I, what I note from the email is that Gilberto
24 was responding to Doug Linden and cc'd Chris and myself on
25 his phone that as the, as the SVP of the organization that

1 he will revisit the pharmacies mentioned and respond to
2 Doug's concern.

3 **Q.** So some pharmacies were identified and Mr. Quintero
4 said that there would be follow-up done at these pharmacies.
5 Is that fair?

6 **A.** That's correct. We'll revisit the pharmacies mentioned
7 in the email.

8 **Q.** Now, was it your understanding that, in fact, the store
9 was visited after this email?

10 **A.** I have no recollection as to whether or not the
11 pharmacy was visited after this email.

12 **Q.** Do you have any reason to believe that it was not
13 visited?

14 **A.** I have no reason to believe either way that it was or
15 it was not.

16 MS. MAINIGI: Your Honor, at this time I would
17 like to move for the admission of P-2020.

18 THE COURT: Any objection to 2020?

19 MR. ACKERMAN: No objection, Your Honor.

20 MR. FULLER: No, Your Honor.

21 THE COURT: It's admitted.

22 BY MS. MAINIGI:

23 **Q.** Now, with respect to 2020, the timing of this email
24 chain is approximately June, 2012; is that right?

25 **A.** That is correct.

1 Q. All right. Let's take a look at Cardinal 770.

2 Can you identify Cardinal 770, Mr. Mone, after you've
3 had a chance to review it?

4 A. It is the, the -- it is the, the representation of the
5 computer investigator site visit report.

6 Q. And the investigator site visit report for where?

7 A. T & J Enterprises.

8 Q. And is that the T & J Enterprises in Huntington, West
9 Virginia?

10 A. Yes, it is. It's the same, it's the same address that
11 we've been talking about.

12 Q. And what was the date of the visit?

13 A. The 20th of August of 2012.

14 Q. And when were -- when was that discussion internally at
15 Cardinal about T & J?

16 A. June 12th.

17 Q. 2012?

18 A. 2012, yes.

19 Q. So within two months, the visit had been made?

20 A. Yes.

21 Q. Okay.

22 MS. MAINIGI: Your Honor, at this point I'd like
23 to move for the admission of Cardinal 770.

24 THE COURT: Any objection to 770?

25 MR. FULLER: No, Your Honor.

1 MR. ACKERMAN: No, Your Honor.

2 THE COURT: It's admitted.

3 BY MS. MAINIGI:

4 Q. Mr. Mone, does Cardinal Health see individual
5 prescriptions?

6 A. It does not.

7 Q. Does Cardinal Health assess patient health information
8 with doctors?

9 A. No, it does not. It doesn't have any PHI to, to
10 communicate with them.

11 Q. And does Cardinal Health receive information about
12 patients from pharmacies?

13 A. No, unless -- if they did, it would be a big -- it
14 would be a HIPAA violation.

15 Q. Does Cardinal Health have access to the complete
16 ordering history of pharmacies if they order from multiple
17 distributors?

18 A. No, it would not.

19 Q. Who has that information?

20 A. The DEA would have that information.

21 Q. During your time at Cardinal from 2008 to 2012 did you
22 regularly interact with the DEA?

23 A. I did.

24 Q. Did Cardinal Health request information about its
25 customers from the DEA?

1 **A.** We did.

2 **Q.** Did Cardinal Health request ARCOS information from the
3 DEA?

4 **A.** Yes, we did.

5 **Q.** Why?

6 **A.** Well, if you go back to the question you asked about
7 who can see all of the data when there are multiple
8 suppliers, there is a point in time when we requested the
9 ARCOS data so that we would know not, not the "who" of the
10 other suppliers, just the "what" and the volume of the
11 "what" so that we could add that into our evaluation about
12 the customer.

13 **Q.** Cardinal Health wanted to integrate into its evaluation
14 process how much other distributors were sending to a
15 particular pharmacy. Is that fair?

16 **A.** Yeah, the rest of the story.

17 **Q.** Did the DEA provide that information?

18 **A.** They did not.

19 **Q.** Why not?

20 **A.** To the best of my recollection, they claimed it was
21 proprietary information.

22 **Q.** Did Cardinal just ask for that information once or
23 multiple times?

24 **A.** Multiple times.

25 **Q.** Did Cardinal Health also ask the DEA to provide it with

1 any information that the DEA possessed indicating that any
2 Cardinal Health customer was engaged in diversion so that
3 Cardinal could cease distributing controlled substances to
4 that customer?

5 **A.** To the best of my recollection, that was in a request
6 to DEA.

7 **Q.** And did the DEA agree to let you know if it was aware
8 of Cardinal Health's customers engaged in diversion?

9 **A.** I -- to the best of my recollection, I don't recall
10 that there ever was a response to that request.

11 **Q.** We've talked a lot today about Cardinal Health SOM
12 system and its components. Did Cardinal Health share the
13 details about its Anti-Diversion system with the DEA?

14 **A.** Yes, it did.

15 **Q.** On more than one occasion?

16 **A.** More than one occasion.

17 **Q.** As part of that effort did you meet in early 2009 with
18 Barbara Boockholdt of the DEA?

19 **A.** I did.

20 **Q.** And remind us, who is Barbara Boockholdt?

21 **A.** Barbara Boockholdt was -- maybe she was Chief of
22 Regulatory, or she was Chief of the Policy Section at DEA
23 and was our contact at DEA, at DEA headquarters.

24 **Q.** So this early 2009 meeting, describe that to me.

25 **A.** The early 2009 meeting was about -- I'd say it was

1 almost a week.

2 **Q.** The meeting was a week?

3 **A.** Pardon?

4 **Q.** The meeting was a week?

5 **A.** Yeah, more than, you know, I think approximately a
6 week. Barbara and several other DEA diversion investigators
7 came in to review our system.

8 **Q.** What do you mean by came in to review your system?

9 **A.** They came into Dublin and we sat downstairs in a, in a,
10 in a room, in a meeting room and we went through our SOM
11 system.

12 **Q.** And did that involve reviewing the SOPs and other
13 policies related to the SOM system?

14 **A.** Yes, it did.

15 **Q.** Like the policies we looked at earlier today?

16 **A.** Yes.

17 **Q.** Did it involve reviewing how Cardinal Health set
18 thresholds for its customers?

19 **A.** Yes, it did.

20 **Q.** Did you describe to Ms. Boockholdt and her colleagues
21 how Cardinal Health was identifying and reporting suspicious
22 orders at that point in time in 2009?

23 **A.** Yes.

24 **Q.** Did Ms. Boockholdt and her colleagues request
25 particular policies to review as you described the system?

1 **A.** Yes, she did.

2 **Q.** And did you provide those to her?

3 **A.** Yes.

4 **Q.** Were copies provided or she just reviewed them?

5 **A.** She reviewed them. And where, where she requested
6 information, we prepared them. And the ones that were not
7 readily available, to the best of my recollection, were put
8 on a thumb drive and mailed to her.

9 **Q.** Did you show her the reports that the SOM system
10 generated?

11 **A.** I did.

12 **Q.** Mr. Mone, were you transparent with the DEA about the
13 way Cardinal's SOM system worked?

14 **A.** Yes, very.

15 **Q.** Did you hold anything back?

16 **A.** No.

17 **Q.** In that early 2009 meeting with Ms. Boockholdt and her
18 colleagues, did the DEA identify any fault in the way that
19 Cardinal reported suspicious orders?

20 **A.** No. Barbara nor the team identified or told us -- if
21 they, if they identified them, they didn't tell us about
22 them. To the best of my knowledge, they didn't identify
23 any.

24 **Q.** During your time at Cardinal, were there customers that
25 Cardinal refused to on-board because of a diversion concern?

1 **A.** Oh, yes.

2 **Q.** During your time at Cardinal, did Cardinal ever
3 terminate customers?

4 **A.** Oh, yes.

5 **Q.** And when you terminated a customer, did you also notify
6 the DEA?

7 **A.** Yes, we did.

8 **Q.** Was the DEA aware of the number of suspicious orders
9 reported by Cardinal in the time frame that you were at
10 Cardinal Health?

11 MR. ACKERMAN: Objection, speculation as to the
12 awareness of the DEA.

13 THE COURT: Well, do you know the answer to that?

14 THE WITNESS: Well, what I -- Your Honor, what I
15 can say is that we submitted them to them. What they did
16 with them after we submitted them to them, I don't know.

17 THE COURT: Okay. Overruled.

18 BY MS. MAINIGI:

19 **Q.** We've talked a bit about the Cardinal policies. As
20 to the implementation of those policies, was the DEA
21 able to see individual customer files?

22 **A.** Yes, they were.

23 **Q.** Did the DEA visit distribution centers after this early
24 2009 meeting that you had?

25 **A.** Yes, they did, approximately I'd say two months later,

1 within two months.

2 **Q.** Within two months of this early 2009 meeting they
3 visited distribution centers?

4 **A.** They did.

5 **Q.** Did they tell you they were going to visit?

6 **A.** Yes. It was part of the MOA that they were going to
7 conduct on-site visits.

8 **Q.** Do you know how many visits they conducted?

9 **A.** They, they conducted, to the best of my recollection,
10 all of the ones in the MOA except Swedesboro.

11 **Q.** And were there more than the four in the MOA --

12 **A.** Yes.

13 **Q.** -- that they visited?

14 **A.** Correct.

15 **Q.** Were they done on different days or all on the same
16 day?

17 **A.** All on the same day.

18 **Q.** Were you at any of the distribution centers that they
19 conducted a visit to?

20 **A.** Yes, I was.

21 **Q.** And, to your recollection, what happened at that visit?

22 **A.** Well, the, the DEA diversion investigators did a deep
23 dive into the SOM system and wanted it explained as to how
24 the system operated, and wanted to know how the compliance
25 officers and the cage and vault employees were integrated

1 into the system. And they wanted to see SOM reports and
2 customer due diligence files.

3 **Q.** Was it your impression that they were looking to verify
4 the system worked as you had indicated it did?

5 **A.** Yes. I think it was a verification visit based upon
6 what Barbara had done for a week to see that it actually did
7 what we said it did.

8 **Q.** And in the visits did the DEA request information about
9 particular customers?

10 **A.** They did.

11 **Q.** Did they review due diligence files for those
12 customers?

13 **A.** They did.

14 **Q.** To your recollection, did they offer any criticism of
15 the due diligence files during those visits?

16 **A.** To the best of my recollection, during the visit I
17 participated in, they made no concerns about the due
18 diligence files that they looked at.

19 **Q.** To the best of your recollection, did they offer any
20 comments about how long documentation needed to be held in
21 due diligence files?

22 **A.** No, they did not.

23 **Q.** To your knowledge, has the DEA ever instructed
24 distributors to maintain information in due diligence files
25 indefinitely?

1 **A.** No.

2 **Q.** What are DEA cyclical inspections?

3 **A.** So as I testified earlier, and I believe that it's a
4 three-year registration, the cyclical inspections are the
5 inspections by DEA within that three-year license window
6 whereby the DEA diversion investigators come in and go
7 through the distribution center.

8 They go through their records. They go through the
9 cage and vault. They request an audit. You know, they
10 usually have an open inventory that they want to look at and
11 they want to make sure that all of the, you know -- if the
12 computer says that you have 5,000 of X, they want to be able
13 to go onto the shelf and count, and they count up 5,000 of
14 X. So that's what that cyclical inspection looks like.

15 **Q.** And during these cyclical inspections by the DEA, did
16 they have full access to Cardinal's policies and procedures?

17 **A.** They did.

18 **Q.** Full access to files about customers including due
19 diligence?

20 **A.** Yes. To the extent that they would ask for them, the
21 team would prepare them and ship them to either the
22 distribution center or directly to the DEA diversion
23 investigator.

24 **Q.** Now, as you updated the SOM system over the course of
25 your time in the Anti-Diversion at Cardinal, did you keep

1 the DEA updated as to any changes or improvements you were
2 making?

3 **A.** Yes, I did.

4 **Q.** How did you do that?

5 **A.** I -- sometimes I would just call Barbara and sometimes
6 I would fly up and show Barbara -- have a meeting with
7 Barbara, you know, schedule a meeting with Barbara, sit
8 down, bring my laptop, open up the laptop, show what we were
9 doing, and have a conversation with Barbara and her team
10 about the improvements. You know, quite frankly, it was a
11 continuous policy improvement process I was proud of.

12 **Q.** Did it matter to you what the DEA thought about what
13 you were doing?

14 **A.** Yeah, it did, a lot.

15 **Q.** Why?

16 **A.** Well, you saw my career. I'm a public service guy.
17 This is about a, a -- you know, as I told Mr. Fuller
18 earlier, you know, what you have is a, is a public health
19 crisis. And I firmly believe that it's, it's a process
20 whereby everybody has to participate, you know, within their
21 lane, what they can do to help do the right thing in their
22 lane. And I wanted her to know what we were doing.

23 And I -- you know, quite frankly, I'd known Barbara for
24 many years and I expected her to tell me -- I expected her
25 to tell me, you know, "Hey, we don't like what you're doing,

1 change it." And, quite frankly, I would have.

2 **Q.** And did you also communicate with various Boards of
3 Pharmacy about what you were doing?

4 **A.** Oh, yes.

5 **Q.** Did you communicate with the West Virginia Board of
6 Pharmacy about suspicious order monitoring?

7 **A.** Yes. I, I -- you went back through my career. As a
8 former Executive Director of the Board, there's kind of a
9 relationship between the Executive Directors. And, so, yes,
10 I communicated not only with the Executive Directors, but
11 when we talked about the MPJE, when the West Virginia Board
12 would send inspectors to the MPJE meeting, I would
13 communicate with them as well there, not just about the
14 MPJE.

15 **Q.** To your recollection, did you explain the Cardinal
16 Health Suspicious Order Monitoring System to the West
17 Virginia Board of Pharmacy?

18 **A.** To the best of my recollection, I did. They knew the
19 essential parameters of it.

20 **Q.** Did they express any concerns to you?

21 **A.** No, neither -- none of them did.

22 **Q.** And did you tell me earlier that you did -- Cardinal
23 Health did report suspicious orders to the West Virginia
24 Board of Pharmacy as well?

25 **A.** Yes, we did.

1 MS. MAINIGI: Your Honor, I, I continue to reserve
2 my objection on the 2012 settlement. But because Mr. Fuller
3 asked questions about it, I'll ask a couple as well.

4 THE COURT: All right.

5 BY MS. MAINIGI:

6 Q. Describe for me what the 2012 action by DEA against
7 Cardinal Health involved. What facility?

8 A. It involved the Lakeland facility, Lakeland, Florida
9 facility.

10 Q. And did it concern specific pharmacies in Florida?

11 A. It did.

12 Q. How many?

13 A. Four.

14 Q. Now, had Barbara Boockholdt made a recommendation to
15 you for additional due diligence for Cardinal Health
16 customers in Florida?

17 A. She did.

18 Q. What was that time period approximately?

19 A. I don't recall when she, when she asked me to do that.

20 Q. Did she identify any particular customers?

21 A. No, she did not.

22 Q. Now, the pharmacies that dispense controlled
23 substances, they're obviously licensed by the DEA; right?

24 A. Yes.

25 Q. And the DEA can certainly take action against

1 pharmacies; correct?

2 **A.** Yes, they can.

3 **Q.** When Ms. Boockholdt voiced this concern to you, what
4 did you do?

5 **A.** Well, we were in the process -- you know, obviously the
6 investigators would have their, their investigative
7 schedule. And they were scheduled to go down to Florida
8 anyway, and Vince is from Florida.

9 What we did was we got a team together and we looked at
10 the data. To the best of my recollection, we took like the
11 top 50 customers and sent the whole, the whole team down to
12 Florida to do site visits on, on those Florida customers.
13 She asked me to do it. I did it.

14 **Q.** Did you continue doing business with all the customers
15 that you did site inspections on down there?

16 **A.** No, we did not.

17 **Q.** What was the result of the process?

18 **A.** The result of the process was that we determined that
19 there were -- and I don't remember how many. There were
20 pharmacies that based upon the site visit reflected a --
21 reflected a concern about their corresponding meeting and
22 corresponding responsibility. And, therefore, we made the
23 decision no longer to conduct business with them.

24 **Q.** And did the Lakeland action involve some pharmacies
25 that you had already cut off?

1 **A.** Yes, they did.

2 **Q.** During the time period that you were head of Cardinal's
3 Anti-Diversion system, did you believe that it was
4 effective?

5 **A.** Yes, I, I believe it was -- I don't know that you could
6 have very effective, but, yes, it was effective.

7 **Q.** Did you believe Cardinal Health complied with DEA
8 regulations and the Controlled Substances Act?

9 **A.** Yes, I did.

10 **Q.** Now, during your time as the head of Cardinal Health
11 Anti-Diversion Program, did you ever allow an order to be
12 shipped that you believed was going to be used for anything
13 other than a legitimate medical purpose?

14 **A.** No.

15 MS. MAINIGI: I have no further questions.

16 THE COURT: Is there going to be any cross of Mr.
17 Mone by the other defendants?

18 MR. HESTER: None from us, Your Honor.

19 MR. NICHOLAS: No, Your Honor.

20 THE COURT: How much redirect are you going to
21 have, Mr. Fuller?

22 MR. FULLER: I hope not much, Judge.

23 THE COURT: Can you do it in seven minutes?

24 MR. FULLER: We're sure going to try.

25 THE COURT: Okay. Let's go.

REDIRECT EXAMINATION

BY MR. FULLER:

Q. Mr. Mone, you said just a moment ago that Ms. Boockholdt under your system pointed out issues in Florida and you went on down there and you found some problems and you cut off pharmacies; right?

A. When -- I missed some of the beginning part of your question.

Q. I'm sorry. When Ms. Mainigi was asking you about Ms. Boockholdt and her telling you about the Florida issue and you said that you guys went down to Florida and you cut off a bunch of pharmacies; right?

A. There, there wasn't a Florida issue per se. What Barbara said was you should -- she was recommending that you go down and look at your Florida customers because of Florida being Florida.

Q. Sure. And your system is the same nationwide, which we've already established, and you cut off a bunch of Florida customers; correct?

A. We cut off customers based upon our site visit review, yes.

Q. It was hundreds of customers, wasn't it?

A. No. We visited, we visited a little more than 50 and we cut off -- I don't remember how many, but we -- as a result of that visit -- as a result of that effort, I

1 couldn't cut off 100 because we only visited like 53
2 pharmacies, 53, 54.

3 **Q.** And, so, the national system, did you then go look
4 everywhere else to see if you were having the same
5 deficiencies?

6 **A.** It wasn't a question of deficiencies in my mind. It
7 was a question of Barbara telling us to pay particular
8 attention and focus on Florida.

9 And the rest of the system, we began to look at the
10 same types of analyses. But that was a building process
11 with regard to take those top 50 customers and begin to look
12 at those as well. But we didn't go into another
13 jurisdiction and do a deep dive. We relied on the strength
14 of the system.

15 **Q.** It's the same system that got the second MOU in 2012;
16 right?

17 **A.** The same system that, that the Lakeland ISO occurred
18 with.

19 **Q.** And you're aware that Cardinal admitted fault in the
20 second MOU; correct?

21 MS. MAINIGI: Objection. The document speaks for
22 itself.

23 MR. FULLER: I'm asking if he's aware, Judge.

24 THE COURT: Overruled. You can answer it.

25 THE WITNESS: I'm aware that the settlement of the

1 2012 acknowledged that there were some -- it, it was some
2 orders of -- it was like some orders of some pharmacies was
3 the best of my recollection of what that MOU said -- MOA
4 said.

5 BY MR. FULLER:

6 **Q.** And, now, counsel showed you 770. Do you have that
7 document?

8 **A.** Yeah.

9 **Q.** And if you look at the last page, the increases in
10 total controlled substances Rx were attributed to the
11 closing of a local independent pharmacy SafeScript. Right?

12 **A.** Yes.

13 **Q.** This Court's heard about SafeScript. It was one that
14 was raided and shut down by the DEA. And then it goes on to
15 explain that the customers at Medicine Shoppe grew from
16 about 1,100 scripts per month to 1,500 because of these
17 individuals; right?

18 **A.** It does.

19 **Q.** It also references that the growth is because of a pain
20 clinic. Do you see anywhere in this document that it tells
21 which pain clinic?

22 **A.** The text is, is blocked out after the second line on
23 that page, so I can only read the first two lines of it.

24 **Q.** I agree. I agree. And there's no listing that you saw
25 in here of the particular prescribers; correct?

1 **A.** Let me look.

2 (Pause)

3 I do not see the -- in this review that I did fairly
4 quickly, I don't see the name of a prescriber.

5 **Q.** Now, last issue, Mr. Mone. Let's talk about the
6 meeting in 2009 with the DEA and the follow-up where you
7 explained your system. You were talking with Ms. Mainigi
8 about that; right?

9 **A.** The, the January or February meeting in 2009, yeah.

10 **Q.** Yes. And are you -- who was at the meeting again?
11 Help me out.

12 **A.** So it was my team, all of the team that was there, --

13 **Q.** Yes, sir.

14 **A.** -- Barbara Boockholdt and, to the best of my
15 recollection, three DEA diversion investigators.

16 **Q.** Do you know Jodi Avergun?

17 **A.** I do know Jodi Avergun.

18 **Q.** Was she also involved at that time, maybe not that
19 meeting, but related to this issue of compliance?

20 **A.** Was she what?

21 **Q.** Involved related to this issue of compliance?

22 **A.** Jodi was a -- is an attorney for Cardinal Health. I
23 don't know that she was, was involved in the relationship of
24 the meeting that we had with Barbara. I don't recall her
25 participating.

1 MR. FULLER: Judge, I would re-move into evidence
2 Plaintiffs' 9809 which is a document and a letter from
3 Ms. Avergun that I've shown before. This witness testified
4 he had no knowledge, but it's a follow-up to the meetings in
5 early 2009 with the DEA in which Cardinal through their
6 lawyer --

7 THE COURT: I don't remember specifically the
8 exhibit. It's probably up here buried in all this
9 somewhere.

10 MR. FULLER: It is, Judge, and that was my last
11 issue.

12 THE COURT: I'm not going to be able to see out
13 here.

14 MS. MAINIGI: Your Honor, I have a strong
15 objection to that. As we discussed earlier -- I know it's
16 been a long day -- 9809 was a letter from Cardinal's outside
17 counsel, Jodi Avergun, to the DEA related to Valencia,
18 California. There's nothing that establishes that somehow
19 this meeting, this general meeting that Mr. --

20 THE COURT: Well, and I sustained the objection
21 but said I'd take a look at it and review it, but I'm not
22 going to admit it now, Mr. Fuller.

23 MR. FULLER: Fair enough, Judge. We'll put that
24 on the table for later follow-up.

25 I don't have any further questions.

1 THE COURT: Well, you hit the nail on the head,
2 Mr. Fuller, and you have the Court's appreciation for that.

3 MR. FULLER: Thank you, Judge.

4 THE COURT: Now, is there anything else of this
5 witness?

6 MS. MAINIGI: No, Your Honor.

7 THE COURT: May Mr. Mone be excused?

8 MR. FULLER: Yes, Your Honor.

9 MS. MAINIGI: Yes, Your Honor.

10 I think we do have one scheduling issue for after Mr.
11 Mone's departure.

12 THE COURT: Mr. Mone, thank you very much. You're
13 free to go, sir, --

14 THE WITNESS: Thank you, Your Honor.

15 THE COURT: -- with our appreciation.

16 All right, Ms. Mainigi.

17 MS. MAINIGI: Your Honor, we just wanted to
18 confirm, so there's no confusion with witnesses tomorrow
19 morning, the next witness that has been requested and is
20 scheduled is Mr. Jesse Kave, also a Cardinal Health witness.

21 We are planning to present him at 9:00 tomorrow morning
22 at this point given the time that we have here. I just want
23 to confirm with the plaintiffs where they stand on that
24 because there's been some talk of Dr. Werthammer, and we've
25 got Mr. Kave. He's been teed up and on the runway for a few

1 days ready to go, so we'd like to get him up and out.

2 THE COURT: Who are you going to call, Mr.
3 Farrell?

4 MR. FARRELL: Our intention is to call
5 Dr. Werthammer at 9:00 and get him on and then call Mr. Kave
6 afterwards.

7 THE COURT: Is he the one you're trying to get out
8 of town?

9 MS. MAINIGI: Mr. Kave, yes.

10 THE COURT: You want to call him first?

11 MS. MAINIGI: That's what we were told was going
12 to happen. I've tried having a conversation with Mr.
13 Farrell about this to see if we can try to accommodate him,
14 but I think Mr. Kave will be very short so we ought to be
15 able to get him on and off I would assume.

16 MR. FARRELL: Mr. Kave lives in Hurricane, so he's
17 nearby. Dr. Werthammer is in Huntington.

18 And, so, based upon the way the schedule has been
19 going, when we do our directs there is extensive redirect.
20 And I want to make sure Dr. Werthammer gets on and off
21 tomorrow morning first and then we'll call Mr. Kave.

22 THE COURT: Well, it's your case and I think you
23 have the right to call them in the order you want to call
24 them.

25 Does that answer your question, Ms. Mainigi?

1 MS. MAINIGI: Not quite, Your Honor. I do think
2 that Mr. Farrell has an obligation to at least call the
3 witnesses in the order that he represented he was going to.

4 We are willing to accommodate a later start for Mr.
5 Kave, but we insist that he not be carried over the weekend.
6 That, that is just a bridge too far.

7 So if Mr. Farrell can represent that they can be done
8 with Mr. Kave tomorrow, then that's fine. But, otherwise,
9 we want Mr. Farrell to live up to the representations he's
10 been making to us all week about when Mr. Kave would be
11 called, which is right after Mr. Mone.

12 THE COURT: What's the problem with holding him
13 over if we don't get him finished tomorrow?

14 MS. MAINIGI: Your Honor, he is a former employee.
15 He is not someone who is really under the company's control
16 as a former employee. And it's been represented to us --
17 originally he was supposed to go on Wednesday, then
18 Thursday. And now we have been assuming this entire time
19 that he would be up and out on Friday.

20 So Mr. Werthammer is the plaintiffs' witness. Again,
21 we're willing to work with Mr. Farrell but, but he's got to
22 then either put Mr. Kave up first and whatever happens
23 happens on time, but you can't ask a former employee who's
24 been waiting to testify for days to, to then sit patiently
25 by while they put up another witness when they have

1 previously requested him to appear right after Mr. Mone.

2 THE COURT: Mr. Farrell.

3 MR. FARRELL: I don't have anything pleasant in
4 response, Judge.

5 THE COURT: Well, Mr. Kave is under subpoena,
6 isn't he?

7 MR. FULLER: Yes, Your Honor.

8 MS. MAINIGI: I will accept that representation,
9 Your Honor.

10 THE COURT: Well, I'm going to let the plaintiffs
11 put their case on in the order they want to put it on. And
12 I'm sorry if we inconvenience this fellow, but that's just
13 part of the game, making people wait.

14 MS. MAINIGI: Your Honor, I, I don't -- I
15 understand and I understand your ruling and, of course,
16 we'll abide by it. But he's a former employee. They have
17 said they were going to work with us on scheduling. They've
18 given us representations on scheduling. So I ask that at
19 the very least that they make every effort to get him on and
20 off tomorrow.

21 THE COURT: How long is Mr. Werthammer going to
22 take?

23 MR. FARRELL: I plan on being less than an hour.

24 THE COURT: Well, let's leave the order the way
25 the plaintiffs want to do it and we'll see where we go

1 tomorrow. I don't think it's my province to interfere
2 unduly with the order of evidence the plaintiffs choose to
3 present. Now, I know there's special circumstances where I
4 might have an obligation to change that, but that's the way
5 we'll leave it for tonight.

6 MS. MAINIGI: Thank you, Your Honor.

7 THE COURT: Okay. Is there anything else today?

8 (No Response)

9 THE COURT: Everybody looks tired and ready to go.
10 Okay. I'll see everybody at 9:00 in the morning.

11 (Trial recessed at 5:07 p.m.)
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 CERTIFICATION:

2 I, Ayme A. Cochran, Official Court
3 Reporter, and I, Lisa A. Cook, Official Court Reporter,
4 certify that the foregoing is a correct transcript from
5 the record of proceedings in the matter of The City of
6 Huntington, et al., Plaintiffs vs. AmerisourceBergen
7 Drug Corporation, et al., Defendants, Civil Action No.
8 3:17-cv-01362 and Civil Action No. 3:17-cv-01665, as
9 reported on May 20, 2021.

10
11 S\Ayme A. Cochran

12 Reporter

13 s\Lisa A. Cook

14 Reporter

15 —

16 May 20, 202117 Date
18
19
20
21
22
23
24
25

	14296 [1] - 14:22 1498 [1] - 129:7 15 [2] - 37:19, 37:23 1553 [1] - 129:9 15910 [1] - 3:18 1600 [1] - 3:17 17 [1] - 78:10 1717 [2] - 6:6, 6:13 18 [1] - 103:15 18th [1] - 50:8 19087 [1] - 6:15 19103 [2] - 6:6, 6:13 1930 [3] - 101:21, 101:22, 103:10 1983 [3] - 33:15, 35:20, 36:23 1st [2] - 19:24, 101:8	164:23, 165:4, 166:17, 167:1, 167:13, 167:18, 168:6, 168:11, 168:23, 170:24, 181:18, 181:24, 210:5, 217:23 2009 [13] - 134:4, 137:12, 137:16, 219:19, 220:1, 220:2, 220:24, 221:19, 223:1, 223:4, 234:8, 234:11, 235:7 2012 [46] - 16:4, 16:5, 16:15, 16:23, 23:11, 26:18, 26:25, 30:9, 30:11, 31:22, 31:23, 31:25, 32:2, 32:3, 37:23, 38:2, 38:11, 40:5, 40:10, 45:17, 47:10, 107:4, 107:9, 108:25, 109:1, 113:3, 113:23, 114:13, 114:22, 144:15, 146:4, 170:24, 181:18, 181:24, 194:1, 204:17, 216:1, 216:15, 216:19, 216:20, 217:23, 228:4, 228:8, 232:17, 233:3 2013 [2] - 144:15, 146:4 2016 [2] - 37:13, 47:10 202 [2] - 2:4, 2:16 2020 [6] - 28:19, 120:7, 214:4, 214:5, 215:20, 215:25 2021 [4] - 1:19, 7:4, 241:9, 241:15 20th [1] - 216:15 21 [2] - 203:4, 203:5 217 [1] - 58:9 2172 [2] - 58:13, 58:14 22 [1] - 210:17 2216 [1] - 3:7 23 [1] - 210:24 24 [2] - 53:20, 210:24 24-hour [2] - 84:7, 84:23 25 [1] - 5:5 25301 [3] - 2:8, 3:13, 4:19 25322 [1] - 6:9 25338-3843 [1] - 5:15 25701 [1] - 3:10 25th [1] - 37:12 26 [4] - 201:23,	201:24, 202:12, 202:13 27 [1] - 42:5 27th [2] - 19:6, 20:1 28 [3] - 3:15, 4:3, 4:9 28038 [4] - 105:7, 105:8, 106:12, 106:13 2804 [1] - 129:7 290 [1] - 14:20 29464 [3] - 3:15, 4:4, 4:9 2:00 [2] - 118:10, 118:25 2nd [1] - 9:17	42115 [1] - 14:21 42116 [1] - 14:21 42117 [1] - 14:21 42118 [1] - 14:21 42123 [1] - 14:21 42432 [1] - 14:22 44267 [4] - 137:6, 137:15, 137:23, 138:1 44562 [3] - 46:1, 46:3, 46:7 458 [5] - 208:4, 208:6, 209:14, 209:15, 209:18	
0	00907 [2] - 2:5, 2:17 02 [1] - 61:15				
1	1 [9] - 17:3, 28:4, 48:20, 48:22, 190:1, 190:11, 196:20, 196:21, 197:11 1,100 [1] - 233:18 1,500 [1] - 233:18 10 [3] - 55:8, 73:12, 73:13 10,000 [2] - 62:2, 62:7 10/1 [1] - 100:24 100 [6] - 80:1, 192:11, 192:13, 192:23, 192:24, 232:3 1001 [2] - 2:10, 4:6 1022 [1] - 3:5 104(b) [1] - 8:4 10:00 [1] - 26:6 10:30 [1] - 66:12 10:42 [1] - 66:17 10th [1] - 9:19 11 [1] - 93:4 114 [1] - 85:16 11th [2] - 9:19, 190:12 12 [6] - 88:24, 89:1, 93:4, 101:19, 135:19, 136:18 12-month [3] - 81:17, 88:20, 136:23 120 [1] - 88:12 122 [1] - 93:9 126 [2] - 3:5, 97:6 128 [1] - 99:20 12:02 [1] - 119:1 12th [2] - 107:4, 216:18 1300 [1] - 6:15 1305 [1] - 121:14 1305.1 [1] - 121:15 1311 [2] - 2:4, 2:16 14 [2] - 1:16, 14:19 14.5 [1] - 129:8 14122 [3] - 71:10, 72:16, 72:17 14288 [1] - 14:22	2		3	5
	2 [9] - 17:6, 18:15, 28:9, 61:6, 63:21, 76:17, 109:3, 151:22, 214:19 20 [7] - 1:19, 7:4, 156:9, 167:10, 205:17, 241:9, 241:15 20001 [1] - 5:12 20004 [1] - 4:7 20005 [3] - 4:14, 4:16, 5:5 2005 [1] - 34:6 2005-2006 [1] - 34:22 2006 [13] - 17:21, 17:22, 20:1, 20:24, 23:10, 23:12, 26:22, 26:24, 30:21, 31:2, 31:7, 34:6, 79:14 2007 [36] - 16:3, 17:19, 19:3, 19:6, 19:24, 20:18, 20:25, 23:10, 23:12, 23:17, 23:21, 23:23, 24:3, 35:5, 40:10, 40:11, 48:9, 79:2, 79:14, 90:25, 138:12, 157:8, 158:5, 158:24, 160:5, 160:9, 160:14, 164:22, 165:18, 165:23, 166:5, 167:13, 168:25, 169:1, 190:13, 194:1 2008 [29] - 38:2, 38:10, 41:11, 41:13, 41:17, 50:4, 50:8, 67:25, 71:12, 72:1, 91:1, 100:24, 101:8, 138:13, 147:5,		3 [8] - 17:8, 28:24, 47:20, 50:15, 63:4, 73:1, 169:9 30 [6] - 87:8, 197:15, 197:17, 198:4, 198:6, 198:8 30(b)(6) [3] - 27:18, 27:19, 28:15 30-day [1] - 75:4 31 [4] - 104:22, 104:23, 105:2, 105:3 3100 [2] - 6:5, 6:12 316 [1] - 2:13 32502 [1] - 2:14 3843 [1] - 5:14 39 [3] - 211:5, 211:6 390 [1] - 136:2 3:17-cv-01362 [2] - 1:5, 241:8 3:17-cv-01665 [2] - 1:11, 241:8 3:40 [1] - 182:8	5 [1] - 182:24 5,000 [3] - 62:8, 225:14, 225:15 5/6 [1] - 71:12 50 [3] - 229:13, 231:25, 232:13 50th [1] - 166:14 53 [2] - 232:3, 232:4 54 [1] - 232:4 553 [1] - 6:8 56 [1] - 3:4 56th [1] - 3:5 5:07 [1] - 240:13 5th [1] - 134:4	
			4	6	
			4 [2] - 52:23, 176:7 40,000 [1] - 55:5 401 [2] - 2:10, 4:6 403 [1] - 69:24 405 [1] - 2:7 408 [1] - 45:10 42071 [2] - 14:20, 142:25 421 [5] - 135:21, 135:24, 136:16, 140:10, 140:18 42100 [1] - 14:20 42102 [1] - 14:20 42103 [1] - 14:20 42107 [1] - 14:21 42113 [1] - 14:21 42114 [1] - 14:21	6 [2] - 54:19, 191:20 6/1 [1] - 35:5 6/30 [1] - 50:4 60 [1] - 195:24 600 [1] - 2:13 611 [3] - 11:17, 12:20 6th [5] - 3:5, 28:19, 72:1, 119:25, 120:7	
				7	
				70130 [1] - 3:8 703 [1] - 8:8 707 [1] - 4:18 716 [1] - 3:12 725 [2] - 4:13, 4:15 740 [4] - 200:21, 201:11, 201:17, 201:18 743 [3] - 199:17, 200:12, 200:13 745 [4] - 198:2, 198:18, 199:10, 199:11 747 [2] - 202:18, 205:1 7509 [3] - 133:22,	

140:13, 140:15 763 [3] - 212:13, 213:24, 213:25 765 [4] - 209:19, 210:1, 210:11, 210:12 77 [3] - 137:5, 137:23, 138:1 770 [5] - 216:3, 216:4, 216:25, 217:1, 233:8 793 [3] - 136:3, 136:5, 136:20 7:00 [1] - 20:12 7th [1] - 19:3	123:13, 124:6, 130:5, 130:18, 165:23, 169:24 abide [1] - 239:18 ability [6] - 29:14, 96:8, 96:9, 111:10, 118:20, 141:21 able [22] - 7:25, 9:1, 13:24, 15:11, 66:4, 75:5, 75:23, 81:9, 88:6, 90:3, 115:6, 126:13, 181:11, 204:6, 206:24, 212:4, 212:8, 213:14, 222:23, 225:14, 235:14, 237:17 absence [1] - 27:3 absolute [1] - 91:25 absolutely [6] - 11:15, 25:7, 38:13, 42:7, 46:11, 140:7 Absolutely [2] - 93:15, 106:18 abundantly [1] - 121:25 abused [1] - 87:7 accept [1] - 239:10 accepted [1] - 7:19 access [19] - 64:5, 64:9, 64:10, 109:13, 109:15, 127:3, 140:4, 140:5, 140:25, 141:6, 141:19, 141:20, 155:10, 155:17, 155:20, 195:10, 217:17, 225:18, 225:20 accessible [1] - 140:23 accommodate [2] - 237:15, 238:6 accommodating [1] - 10:22 accommodation [1] - 27:24 accomplish [1] - 54:20 according [5] - 77:13, 102:16, 117:1, 126:15, 161:4 account [3] - 193:8, 197:19 accounting [1] - 203:8 accurate [2] - 94:19, 206:22 accurately [2] - 152:3, 170:25 accusations [1] -	119:8 ACKERMAN [44] - 2:9, 21:5, 21:13, 21:21, 22:1, 22:13, 22:21, 103:13, 128:5, 129:16, 129:18, 129:23, 132:17, 132:24, 133:4, 133:9, 133:11, 133:14, 161:19, 162:12, 164:4, 164:7, 164:10, 169:11, 169:14, 170:1, 170:8, 170:17, 173:11, 190:25, 191:9, 194:15, 200:15, 201:20, 202:15, 204:8, 205:3, 209:17, 210:14, 214:2, 214:6, 215:21, 217:3, 222:13 Ackerman [6] - 21:8, 21:10, 21:19, 132:23, 164:9, 170:15 acknowledged [1] - 233:3 acquires [1] - 99:9 Act [12] - 47:21, 73:20, 74:2, 94:15, 162:7, 162:17, 162:20, 162:22, 163:3, 163:11, 163:24, 230:10 act [1] - 162:22 acting [2] - 131:20, 167:6 Action [4] - 1:4, 1:10, 241:7, 241:8 action [20] - 38:2, 38:10, 38:11, 41:13, 41:18, 45:17, 47:11, 47:13, 52:24, 62:5, 62:11, 62:13, 62:16, 109:5, 167:1, 228:8, 229:2, 230:1 actions [11] - 16:7, 16:8, 38:4, 38:9, 46:17, 46:20, 153:1, 153:3, 165:19, 167:18, 167:24 ADC [2] - 213:2, 213:7 add [3] - 26:17, 53:4, 218:13 added [4] - 53:1, 53:4, 53:20, 83:20 addition [7] - 9:3, 9:12, 53:24, 69:25,	99:4, 101:25, 207:25 additional [14] - 67:18, 68:4, 74:22, 75:6, 76:5, 80:22, 86:14, 92:22, 99:23, 125:8, 174:16, 174:20, 174:21, 228:17 address [11] - 29:6, 44:12, 69:10, 119:7, 119:19, 120:1, 120:8, 132:17, 149:19, 153:20, 216:12 addressed [2] - 131:13, 169:22 adequate [1] - 63:5 adhere [1] - 210:21 adjust [1] - 185:24 adjustments [2] - 117:24, 138:20 Administration [5] - 40:25, 67:9, 95:23, 100:15, 176:14 Administrative [2] - 153:15, 154:4 administrative [4] - 16:10, 16:12, 45:18, 153:4 admissibility [5] - 42:22, 120:23, 121:1, 121:18, 127:2 admissible [6] - 8:11, 127:6, 127:15, 127:18, 127:23, 128:2 admission [25] - 14:12, 23:23, 31:13, 32:17, 38:3, 102:20, 106:23, 122:20, 128:16, 132:9, 132:10, 142:8, 142:10, 142:14, 142:18, 145:9, 168:12, 200:12, 201:17, 202:11, 205:1, 209:14, 213:24, 215:19, 216:25 admissions [3] - 45:3, 45:9, 48:6 admit [15] - 8:5, 23:7, 24:3, 29:24, 36:8, 36:12, 44:19, 45:12, 48:1, 69:17, 70:3, 103:5, 106:17, 147:2, 235:24 admits [1] - 47:20 ADMITTED [9] - 24:6, 36:23, 55:14,	134:20, 138:1, 142:12, 142:17, 142:25, 147:3 admitted [47] - 8:11, 14:22, 20:20, 22:25, 24:9, 24:10, 24:12, 24:16, 32:1, 32:13, 36:2, 36:15, 36:18, 46:24, 55:13, 72:19, 103:10, 103:12, 106:16, 107:2, 107:7, 125:20, 131:4, 131:14, 134:19, 137:25, 142:11, 142:16, 142:24, 146:17, 147:24, 189:23, 190:5, 190:7, 197:13, 198:10, 199:14, 200:16, 201:21, 202:16, 209:18, 210:15, 214:3, 215:23, 217:4, 232:21 Admitted [1] - 205:6 admitting [5] - 32:18, 32:21, 70:1, 103:3, 214:5 adopted [2] - 45:6, 132:5 advance [1] - 169:25 advantage [1] - 10:15 adverse [1] - 130:24 advice [4] - 131:18, 131:25, 132:6, 132:7 Advisory [2] - 93:25 Affairs [3] - 51:8, 51:22, 171:16 affected [1] - 42:11 affirm [1] - 187:24 affirmed [1] - 129:9 afield [1] - 47:1 afternoon [7] - 14:17, 14:24, 15:4, 119:5, 132:8, 151:20, 151:21 afterwards [1] - 237:8 AG's [1] - 153:24 agent [5] - 106:24, 130:16, 130:19, 131:12, 131:20 aggregate [1] - 125:24 ago [5] - 13:3, 54:25, 101:19, 143:2, 231:5 agree [20] - 21:14, 28:10, 29:9, 30:7, 47:22, 56:22, 58:19, 76:12, 76:18, 77:3, 77:5, 78:16, 114:4, 120:11, 120:17,
8	8 [1] - 73:11 8/14/2012 [2] - 150:10, 150:13 80 [3] - 143:23, 145:5, 147:3 801 [1] - 3:10 801(2)(d)(C) [1] - 131:10 801(d)(2) [1] - 130:8 801(d)(2)(A) [2] - 45:1, 146:12 801(d)(2)(B) [1] - 45:5 801(d)(2)(C) [1] - 130:8 801(d)(2)(D) [2] - 106:24, 130:14 802(1)(D) [1] - 123:5 835 [6] - 27:25, 28:3, 28:24, 118:17, 119:24, 121:8 850 [1] - 5:12 86 [1] - 78:25 8861 [4] - 17:12, 17:23, 20:8, 24:6 8873 [1] - 37:3			
9	901 [1] - 4:18 9143 [2] - 150:3, 150:5 91436 [1] - 3:18 9734 [3] - 49:23, 55:10, 55:14 9809 [4] - 70:12, 70:13, 235:4, 235:18 9:00 [4] - 7:4, 236:23, 237:7, 240:12 9th [1] - 2:10			
A	a.m [2] - 7:5, 66:17 ABDC [10] - 10:16, 20:21, 22:25, 123:9,			

<p>128:13, 168:16, 219:9, 234:1 agreed [16] - 12:4, 12:5, 12:11, 28:5, 30:8, 31:17, 119:11, 119:25, 120:2, 120:3, 120:6, 120:12, 121:22, 123:16, 123:17, 124:16 Agreement [3] - 47:10, 47:19, 169:4 agreement [11] - 14:11, 14:18, 14:22, 30:1, 112:1, 121:12, 124:15, 147:6, 168:23, 169:24, 210:20 agreements [3] - 42:15, 111:19, 111:21 ahead [17] - 25:6, 26:2, 33:4, 33:10, 34:13, 38:23, 39:2, 45:14, 69:4, 104:14, 113:11, 151:16, 151:22, 156:18, 161:21, 172:6, 197:11 Aids [1] - 175:11 al [4] - 1:7, 1:13, 241:6, 241:7 aligned [1] - 53:20 all-schedule [1] - 154:20 allegation [2] - 48:4, 167:12 allegations [2] - 46:11, 153:5 allow [3] - 13:21, 82:16, 230:13 allowed [1] - 165:9 allowing [1] - 21:17 almost [5] - 113:14, 132:25, 177:15, 208:25, 220:3 alongs [1] - 183:15 alongside [1] - 184:10 amend [1] - 198:11 amended [1] - 32:3 AmerisourceBergen [5] - 6:2, 124:24, 158:2, 190:13, 241:6 AMERISOURCEBER GEN [2] - 1:7, 1:13 amount [6] - 63:6, 99:25, 100:5, 128:23, 179:16, 195:8 amounts [2] - 46:18,</p>	<p>180:3 analyses [2] - 59:22, 232:12 analysis [25] - 57:19, 61:25, 75:1, 75:20, 75:21, 75:23, 76:5, 78:19, 82:24, 83:6, 84:6, 85:14, 87:13, 87:18, 90:10, 92:16, 97:7, 99:3, 115:22, 130:4, 130:19, 135:15, 186:15, 200:2, 207:21 analyst [1] - 173:1 analytics [5] - 83:6, 91:12, 175:2, 198:25, 199:4 Analytics [4] - 134:16, 174:23, 174:25 analyze [3] - 59:9, 74:23, 75:5 Anderson [2] - 100:25, 101:1 ANDREW [1] - 5:10 animated [1] - 58:9 ANNE [1] - 4:2 Anne [1] - 43:18 ANNIE [1] - 3:14 answer [16] - 115:23, 116:18, 127:9, 163:25, 164:12, 164:14, 164:18, 166:3, 169:2, 173:17, 173:18, 180:1, 193:4, 222:15, 233:1, 238:2 answered [4] - 35:16, 53:15, 78:5, 78:8 answers [5] - 33:7, 183:13, 192:14, 193:4, 212:12 ANTHONY [1] - 2:6 anti [6] - 50:5, 54:5, 141:9, 169:8, 171:23, 172:16 Anti [42] - 16:3, 16:20, 35:8, 52:20, 53:9, 54:10, 70:6, 76:16, 78:11, 97:17, 137:19, 156:24, 157:2, 157:6, 157:9, 158:9, 160:1, 162:24, 164:23, 165:18, 171:14, 181:18, 181:24, 182:15, 182:18, 189:9, 192:5, 192:16, 192:18, 193:22, 204:16, 204:22, 207:12,</p>	<p>208:1, 208:2, 209:9, 212:17, 213:7, 219:15, 226:2, 230:5, 230:13 anti-diversion [6] - 50:5, 54:5, 141:9, 169:8, 171:23, 172:16 Anti-Diversion [42] - 16:3, 16:20, 35:8, 52:20, 53:9, 54:10, 70:6, 76:16, 78:11, 97:17, 137:19, 156:24, 157:2, 157:6, 157:9, 158:9, 160:1, 162:24, 164:23, 165:18, 171:14, 181:18, 181:24, 182:15, 182:18, 189:9, 192:5, 192:16, 192:18, 193:22, 204:16, 204:22, 207:12, 208:1, 208:2, 209:9, 212:17, 213:7, 219:15, 226:2, 230:5, 230:13 anticipate [1] - 114:21 anyway [1] - 229:10 Apex [3] - 27:6, 27:8, 27:12 apologies [2] - 14:1, 204:8 apologize [8] - 26:18, 44:13, 61:9, 71:24, 108:16, 149:13, 203:23, 204:20 appeal [1] - 27:17 appealed [2] - 27:15, 27:16 appear [7] - 18:19, 19:2, 19:5, 76:15, 137:11, 214:19, 239:3 APPEARANCES [6] - 2:1, 3:1, 5:1, 5:6, 6:1, 6:10 appeared [1] - 116:6 appellate [1] - 128:21 appended [1] - 35:25 Appendix [1] - 29:17 applicable [2] - 94:20, 94:23 application [1] - 32:4 applied [5] - 9:24, 60:24, 100:15, 194:6, 198:15 applies [4] - 130:20, 149:12, 149:13,</p>	<p>179:18 apply [5] - 170:9, 179:9, 206:4, 207:12 applying [1] - 22:10 appreciation [2] - 236:4, 236:17 approach [5] - 17:14, 33:20, 49:20, 68:11, 133:18 approached [1] - 20:15 appropriate [4] - 88:10, 139:13, 139:19, 187:4 approval [2] - 175:16, 197:19 approved [1] - 197:4 approver [6] - 197:21, 203:4, 203:6, 203:10, 203:14 approves [2] - 203:12, 203:15 April [1] - 204:19 Arch [2] - 6:6, 6:13 architect [1] - 191:4 ARCOS [7] - 9:24, 180:21, 180:24, 181:5, 181:12, 218:4, 218:11 area [8] - 39:6, 66:7, 71:20, 85:1, 109:20, 113:14, 116:22, 117:22 areas [4] - 51:19, 141:16, 172:24, 196:18 arguably [1] - 42:20 argued [1] - 129:2 arguing [1] - 123:18 argument [6] - 123:1, 123:2, 126:21, 128:23, 128:25, 129:5 arguments [3] - 126:18, 132:22, 132:23 arise [1] - 22:6 arrest [1] - 116:11 arrival [8] - 16:8, 16:9, 16:14, 16:19, 17:4, 17:9, 35:8, 138:15 arrive [1] - 23:16 arrived [12] - 40:5, 40:9, 40:13, 79:1, 90:25, 157:8, 158:5, 158:24, 160:7, 160:12, 166:10 article [1] - 208:8 ascertain [1] - 80:17 Ashley [1] - 119:5</p>	<p>ASHLEY [1] - 5:3 aside [2] - 20:13, 191:19 aspects [1] - 38:14 assert [2] - 68:25, 131:6 asserted [5] - 23:8, 24:10, 32:22, 36:4, 43:10 assess [6] - 75:2, 75:3, 160:13, 160:16, 178:1, 217:9 assessed [2] - 162:10, 163:21 assesses [1] - 75:20 assessing [4] - 115:10, 161:24, 173:25, 174:10 assessment [12] - 39:20, 57:20, 92:6, 105:24, 139:18, 161:2, 162:4, 163:9, 174:11, 178:25, 183:13, 187:4 assessments [1] - 138:6 assigned [2] - 148:19, 207:9 assist [2] - 78:11, 197:20 Assistant [1] - 153:18 assisted [1] - 198:23 assisting [1] - 159:3 associated [4] - 67:8, 76:25, 97:13, 173:8 Association [1] - 156:6 assume [6] - 33:1, 39:24, 66:10, 112:2, 145:2, 237:17 Assuming [1] - 89:1 assuming [7] - 34:17, 57:5, 60:1, 88:24, 99:25, 124:11, 238:20 assumption [1] - 100:2 assumptions [3] - 139:10, 139:12, 139:18 assuring [1] - 179:2 asthma [1] - 175:10 AT [1] - 1:2 attached [6] - 19:14, 32:6, 69:16, 101:11, 129:25, 140:14 attachment [2] - 19:2, 50:4 attachments [5] - 18:19, 19:1, 31:24,</p>
---	--	---	---	---

<p>37:14, 37:17 attempt [2] - 81:14, 86:4 attend [4] - 118:6, 190:15, 191:1, 191:4 attended [2] - 152:9, 157:15 attending [1] - 209:6 attention [2] - 205:9, 232:10 attorney [9] - 22:17, 22:18, 22:19, 129:6, 129:8, 129:12, 131:19, 131:25, 234:24 Attorney [2] - 153:11, 154:15 attorney-client [5] - 129:6, 129:8, 129:12, 131:19, 131:25 attorneys [2] - 8:21, 208:10 attributed [1] - 233:12 Auburn [3] - 41:14, 166:7, 166:8 Auburn-Washington [1] - 166:7 audit [2] - 126:11, 225:11 August [5] - 28:19, 119:25, 120:7, 137:16, 216:15 authentic [1] - 127:20 authenticated [1] - 24:21 authenticating [1] - 29:3 authentication [2] - 24:18, 28:22 authenticity [12] - 25:2, 29:7, 29:13, 30:7, 69:22, 118:19, 120:4, 120:9, 120:24, 121:13, 122:10, 127:20 authority [1] - 155:8 authorize [1] - 131:22 authorized [2] - 130:9, 130:11 authorizing [1] - 8:5 automated [3] - 56:9, 58:16, 147:19 available [7] - 67:22, 84:3, 185:13, 186:17, 186:18, 213:16, 221:9 avenue [1] - 118:16 average [9] - 59:3, 60:5, 60:7, 60:9,</p>	<p>60:16, 60:22, 139:6, 139:15 averages [1] - 60:12 Avergun [4] - 234:18, 234:19, 235:5, 235:19 Avin [1] - 3:7 avoid [1] - 13:8 avoiding [1] - 11:20 aware [20] - 16:13, 16:22, 17:20, 45:18, 47:9, 68:1, 73:19, 111:16, 111:19, 111:21, 111:22, 116:12, 116:17, 150:19, 209:12, 219:9, 222:10, 232:21, 232:25, 233:2 awareness [1] - 222:14 Ayme [2] - 6:17, 241:2</p> <p style="text-align: center;">B</p> <p>background [6] - 46:15, 105:5, 152:1, 152:4, 152:6, 152:8 balances [1] - 203:13 Band [1] - 175:11 Band-Aids [1] - 175:11 banners [1] - 205:17 bar [1] - 129:4 Barbara [17] - 219:20, 219:22, 219:23, 220:8, 221:22, 224:8, 226:7, 226:8, 226:9, 226:11, 226:25, 228:16, 231:16, 232:9, 234:16, 235:1 Barber [5] - 19:23, 28:6, 105:25, 106:2, 106:6 Baron [1] - 3:17 barred [1] - 45:10 Barrett [5] - 28:5, 28:11, 73:2, 73:3, 73:4 base [3] - 65:25, 86:19, 87:1 based [40] - 10:5, 40:6, 40:7, 40:16, 41:4, 47:10, 47:21, 50:22, 59:9, 59:12, 59:22, 60:21, 61:22, 65:22, 67:17, 75:14, 75:15, 75:16, 83:5, 84:19, 85:15, 90:20,</p>	<p>90:21, 91:4, 91:11, 94:14, 107:6, 113:20, 114:11, 135:8, 138:7, 138:9, 161:7, 165:7, 207:20, 224:7, 229:22, 231:22, 237:20 basic [2] - 46:15, 97:16 basis [22] - 18:13, 32:16, 40:22, 46:23, 65:12, 65:13, 65:23, 66:2, 66:4, 75:4, 91:8, 100:4, 110:25, 134:7, 134:14, 141:9, 146:14, 157:14, 187:18, 196:17, 212:18 battle [1] - 131:1 Baylen [1] - 2:13 bears [1] - 20:21 became [5] - 90:22, 159:25, 162:23, 171:5, 185:8 become [1] - 82:6 becomes [1] - 106:8 becoming [1] - 111:7 BEFORE [1] - 1:17 began [6] - 45:17, 87:1, 157:16, 160:7, 160:13, 232:11 begin [5] - 20:17, 29:20, 94:24, 165:18, 232:13 beginning [16] - 90:19, 90:20, 90:24, 91:2, 108:24, 138:13, 138:19, 144:14, 144:15, 146:4, 164:23, 167:13, 211:24, 231:9 begun [3] - 40:14, 48:24, 167:25 behalf [6] - 14:10, 15:20, 28:4, 119:6, 131:21, 131:22 behind [1] - 103:17 belief [2] - 8:25, 86:2 believer [1] - 188:15 believes [1] - 146:10 below [4] - 74:22, 75:2, 101:3, 171:1 bench [1] - 151:14 BENCH [1] - 1:16 benefit [2] - 51:7, 56:17 Benefit [1] - 112:15 benefits [1] - 175:19</p>	<p>berry [1] - 79:6 best [41] - 10:19, 20:5, 34:3, 59:7, 84:12, 90:11, 93:24, 94:16, 102:8, 116:14, 144:21, 158:18, 163:4, 166:4, 168:7, 168:14, 175:22, 180:9, 192:17, 197:6, 198:22, 199:6, 199:8, 200:10, 202:10, 203:2, 205:16, 209:11, 212:11, 218:22, 219:7, 219:11, 221:9, 221:24, 223:11, 224:18, 224:21, 227:20, 229:12, 233:5, 234:16 better [8] - 55:19, 60:20, 87:12, 122:7, 144:17, 152:14, 158:23, 197:5 between [17] - 16:3, 29:8, 35:21, 51:21, 52:1, 52:3, 52:4, 54:21, 81:24, 90:8, 111:20, 120:6, 124:5, 176:15, 203:6, 208:7, 227:11 beyond [6] - 41:21, 57:18, 76:22, 77:2, 132:2, 175:4 big [1] - 217:15 birthday [2] - 166:14, 166:15 bit [20] - 13:17, 15:23, 51:20, 61:23, 80:2, 90:10, 101:5, 101:9, 125:23, 149:23, 152:12, 152:13, 158:20, 158:21, 172:1, 177:9, 177:14, 183:3, 208:24, 222:21 black [3] - 107:21, 112:18, 214:15 block [3] - 63:12, 100:15, 103:22 blocked [6] - 95:15, 95:17, 100:11, 100:12, 233:24 blow [2] - 55:23, 73:16 blunt [1] - 28:18 Blvd [3] - 3:15, 4:3, 4:9 board [4] - 15:25, 25:13, 211:24, 222:2 Board [23] - 81:13,</p>	<p>146:5, 152:19, 152:23, 152:24, 152:25, 153:16, 153:18, 154:1, 154:6, 154:12, 154:16, 155:22, 156:1, 156:2, 156:7, 188:18, 196:3, 227:7, 227:10, 227:13, 227:19, 228:1 boarded [2] - 83:18, 183:23 boarding [3] - 80:3, 83:12, 83:14 Boards [3] - 153:16, 156:6, 227:4 Bob [6] - 18:3, 18:5, 18:8, 18:16, 19:17, 50:3 body [2] - 154:5, 196:1 bollixed [1] - 122:18 Bonasso [1] - 5:14 Boockholdt [11] - 219:20, 219:22, 219:23, 220:22, 221:1, 221:19, 228:16, 229:5, 231:6, 231:12, 234:16 boots [1] - 78:15 boss [9] - 27:9, 54:17, 54:18, 73:9, 106:8, 106:9, 108:19, 171:9, 171:10 bottom [1] - 37:20 bought [3] - 187:25, 188:1, 188:3 Boulevard [1] - 3:18 bounce [1] - 139:11 Box [2] - 5:14, 6:8 box [3] - 135:1, 136:9, 136:10 boxes [1] - 174:19 brain [1] - 79:7 brand [3] - 84:4, 99:8, 110:16 Brantley [2] - 52:16, 55:1 breach [4] - 29:19, 119:10, 119:13, 121:24 breached [1] - 29:20 breaches [3] - 64:5, 64:7, 117:24 break [5] - 66:14, 118:8, 119:9, 182:4, 182:6 breakdown [2] - 76:1, 81:18</p>
---	--	--	---	--

breaks [1] - 57:21 bridge [2] - 14:3, 238:8 Bridgeside [3] - 3:15, 4:3, 4:9 brief [2] - 25:19, 133:15 briefed [1] - 129:2 briefing [1] - 34:5 briefings [3] - 33:19, 34:2, 34:19 briefly [2] - 132:18, 189:22 briefs [1] - 128:21 bring [7] - 29:2, 29:11, 30:13, 58:8, 80:6, 158:20, 226:10 bringing [2] - 42:15, 80:4 broad [2] - 75:9, 188:20 broadcasting [1] - 190:3 broader [2] - 109:17, 213:19 broke [2] - 43:1, 75:1 brought [6] - 34:4, 34:7, 34:14, 158:12, 158:16, 158:19 BT3743300 [1] - 110:11 bucket [1] - 185:8 Budd [1] - 3:17 budgetary [1] - 52:7 build [1] - 175:2 building [4] - 48:15, 84:5, 158:25, 232:12 builds [1] - 99:8 built [8] - 56:12, 93:16, 97:16, 97:18, 183:16, 185:23, 192:8, 195:14 bullet [3] - 52:6, 54:9, 156:5 bunch [4] - 108:16, 121:6, 231:14, 231:20 buried [1] - 235:10 Burling [1] - 5:11 business [10] - 81:9, 98:2, 98:12, 114:6, 114:15, 137:19, 149:19, 184:1, 229:16, 229:25 buy [2] - 178:10, 188:5 buys [1] - 98:19 Buzzee [2] - 68:2, 68:6 Buzzee's [1] - 68:3 BY [83] - 15:22, 17:16,	33:12, 33:16, 33:23, 34:12, 37:4, 38:24, 39:4, 45:16, 46:2, 47:6, 49:24, 53:19, 55:17, 55:25, 58:15, 61:18, 66:22, 68:13, 69:6, 70:11, 71:9, 71:17, 72:20, 76:4, 78:9, 94:9, 97:1, 100:21, 102:4, 103:14, 104:25, 107:3, 111:2, 113:16, 114:5, 117:9, 133:20, 134:21, 138:2, 143:1, 143:21, 147:4, 147:25, 149:17, 151:24, 156:20, 161:23, 162:18, 163:18, 164:19, 165:16, 166:6, 170:22, 173:20, 175:24, 176:10, 178:5, 182:11, 183:1, 190:9, 191:18, 194:19, 197:16, 198:12, 199:16, 200:17, 200:22, 201:22, 202:17, 204:15, 205:7, 209:20, 210:16, 211:22, 214:10, 215:24, 217:5, 222:20, 228:7, 231:4, 233:7 C CA [1] - 3:18 CABELL [1] - 1:10 Cabell [30] - 3:2, 28:5, 38:14, 41:16, 41:21, 41:22, 41:23, 42:4, 42:7, 42:9, 42:11, 42:13, 42:15, 42:16, 43:2, 46:17, 63:16, 63:24, 79:17, 110:19, 113:10, 145:12, 145:22, 148:6, 149:9, 150:12, 180:7, 180:14, 181:19, 182:1 cabell [1] - 2:2 Cabell-Huntington [15] - 38:14, 41:16, 41:21, 41:22, 41:23, 42:4, 42:7, 42:11, 42:13, 42:15, 42:16, 43:2, 145:12, 149:9,	150:12 Cabell/Huntington [2] - 71:1, 194:13 Cabinet [2] - 154:13 cage [6] - 161:6, 172:13, 195:9, 195:10, 224:2, 225:11 calculations [2] - 10:2, 10:9 California [4] - 71:2, 71:4, 110:6, 235:20 CALLAS [1] - 6:7 cameras [1] - 195:12 Cameron [2] - 16:25, 157:5 Cameron's [1] - 17:9 CAMPBELL [1] - 6:14 cancel [3] - 13:10, 30:15, 62:14 cancelled [2] - 13:5, 30:13 cancer [2] - 99:4, 99:9 cannot [4] - 63:9, 63:10, 125:7, 127:25 capability [1] - 175:2 capable [1] - 127:8 capacity [1] - 45:3 Capitol [1] - 2:7 capture [3] - 87:16, 87:20, 87:22 captured [1] - 88:8 capturing [2] - 87:19, 87:25 Cardinal [249] - 4:11, 5:2, 15:24, 16:2, 16:7, 18:11, 18:24, 19:3, 19:5, 19:16, 20:4, 20:23, 27:25, 28:3, 28:7, 28:14, 28:16, 28:17, 29:2, 34:2, 34:6, 34:18, 36:20, 39:9, 42:5, 43:21, 45:3, 45:4, 45:19, 46:12, 47:9, 47:20, 49:5, 49:9, 51:10, 51:25, 52:11, 52:20, 55:6, 58:20, 58:22, 59:2, 65:17, 67:17, 67:18, 70:18, 71:3, 72:6, 73:5, 73:19, 76:17, 76:21, 80:4, 80:14, 82:6, 88:23, 95:7, 104:5, 105:20, 107:25, 108:3, 110:14, 110:17, 111:3, 111:6, 111:12, 111:13, 113:7, 113:18, 116:16,	117:25, 118:2, 118:23, 119:6, 119:9, 119:23, 120:16, 122:13, 123:21, 126:18, 130:2, 130:10, 131:18, 133:12, 134:11, 135:24, 136:12, 138:15, 139:22, 144:16, 146:3, 146:5, 147:6, 147:14, 147:20, 150:11, 150:15, 150:18, 152:1, 152:4, 156:23, 157:6, 157:9, 157:12, 158:24, 159:25, 160:1, 160:7, 160:13, 160:22, 160:24, 160:25, 162:1, 162:5, 163:2, 163:10, 163:21, 163:23, 164:24, 165:19, 165:24, 167:5, 167:9, 167:14, 167:24, 168:3, 168:13, 168:15, 169:3, 169:8, 170:23, 175:4, 175:6, 175:9, 175:13, 175:18, 178:8, 178:18, 178:21, 179:7, 179:20, 179:22, 179:25, 180:1, 180:6, 180:13, 180:15, 180:20, 181:9, 181:17, 181:19, 181:23, 181:25, 182:14, 183:10, 189:15, 189:19, 190:20, 191:3, 191:5, 191:21, 192:4, 192:16, 193:7, 193:14, 193:20, 193:23, 194:21, 195:25, 196:20, 196:21, 197:7, 197:11, 197:15, 197:17, 198:2, 198:4, 198:18, 199:7, 199:10, 199:13, 199:17, 200:9, 200:21, 201:11, 201:17, 201:23, 201:24, 202:9, 202:12, 202:18, 203:16, 205:1, 205:13,	206:1, 206:3, 207:12, 208:1, 208:4, 208:6, 208:7, 209:14, 209:19, 210:1, 210:11, 210:24, 212:7, 212:13, 213:24, 216:3, 216:4, 216:17, 216:25, 217:6, 217:9, 217:13, 217:17, 217:23, 218:1, 218:4, 218:15, 218:24, 219:2, 219:4, 219:5, 219:10, 219:13, 219:14, 220:19, 220:23, 221:21, 222:1, 222:2, 222:4, 222:11, 222:12, 222:21, 226:2, 227:17, 227:24, 228:9, 228:17, 230:9, 230:12, 232:21, 234:24, 235:7, 236:22 Cardinal's [10] - 70:17, 79:1, 89:10, 116:1, 140:20, 193:17, 221:15, 225:18, 230:4, 235:18 care [5] - 59:12, 81:6, 98:16, 126:21, 211:7 career [4] - 156:2, 156:3, 226:18, 227:9 Carey [1] - 4:17 carried [1] - 238:7 carries [1] - 136:23 cascade [1] - 9:3 case [28] - 7:25, 8:1, 9:9, 9:15, 10:16, 10:24, 13:5, 13:9, 13:11, 13:19, 20:21, 22:10, 28:7, 29:24, 46:20, 77:24, 86:4, 86:22, 118:18, 122:8, 123:6, 123:12, 128:21, 132:3, 170:3, 170:10, 237:24, 239:13 cases [3] - 7:16, 107:21, 107:22 categories [5] - 60:6, 60:7, 60:15, 84:8, 185:10 categorized [1] - 85:2 caused [1] - 79:6 causes [1] - 9:7
---	---	--	---	--

<p>cc [2] - 20:6, 105:16</p> <p>cc'd [1] - 215:1</p> <p>cease [1] - 219:5</p> <p>Cegedim [4] - 130:11, 133:5, 143:14, 143:17</p> <p>Center [17] - 3:12, 5:11, 16:17, 19:7, 38:12, 39:12, 40:21, 40:24, 41:16, 42:4, 45:19, 47:23, 149:10, 165:25, 167:14, 172:7, 172:9</p> <p>center [11] - 67:5, 70:18, 71:2, 98:22, 99:5, 99:9, 192:21, 193:23, 194:6, 225:9, 225:24</p> <p>Centers [3] - 160:25, 162:1, 165:20</p> <p>centers [29] - 19:9, 19:12, 38:10, 39:18, 40:4, 40:19, 41:13, 42:5, 42:8, 51:11, 53:22, 53:25, 66:25, 77:1, 81:6, 147:9, 161:3, 161:10, 161:17, 166:22, 167:9, 167:18, 168:8, 171:17, 172:11, 194:2, 222:25, 223:5, 223:20</p> <p>Centralization [1] - 213:8</p> <p>centralized [3] - 39:14, 39:16, 53:18</p> <p>centralizing [1] - 49:13</p> <p>centrally [5] - 41:1, 147:6, 147:12, 147:13, 206:23</p> <p>CEO [5] - 27:14, 28:6, 28:11, 29:21, 73:6</p> <p>certain [15] - 27:13, 43:4, 64:21, 64:24, 65:2, 67:18, 84:10, 120:3, 127:3, 139:12, 140:9, 141:16, 144:7, 148:8, 165:19</p> <p>certainly [10] - 7:24, 8:12, 22:1, 36:7, 78:7, 119:17, 129:21, 145:19, 170:2, 229:2</p> <p>certainty [1] - 79:10</p> <p>CERTIFICATION [1] - 241:1</p> <p>certify [1] - 241:4</p>	<p>cetera [1] - 84:24</p> <p>CFR [1] - 177:6</p> <p>Chain [1] - 53:1</p> <p>chain [27] - 54:11, 73:5, 83:18, 83:20, 83:23, 84:6, 84:9, 84:13, 84:21, 176:4, 185:1, 188:1, 205:9, 205:10, 205:13, 205:15, 206:8, 206:13, 206:15, 206:16, 206:17, 206:24, 207:1, 207:6, 207:13, 207:18, 216:1</p> <p>chains [14] - 83:11, 84:10, 85:4, 85:5, 85:8, 85:10, 85:11, 85:13, 112:10, 112:11, 205:20, 206:4, 207:9</p> <p>Chains [1] - 83:13</p> <p>chair [2] - 177:17, 177:18</p> <p>chairman [1] - 73:4</p> <p>chance [4] - 14:23, 170:15, 208:5, 216:5</p> <p>change [34] - 7:7, 53:24, 54:4, 54:6, 54:8, 62:7, 62:9, 64:16, 64:20, 64:23, 65:3, 92:5, 95:5, 98:2, 98:5, 98:10, 98:12, 98:15, 98:22, 98:23, 99:1, 99:14, 99:19, 99:25, 157:14, 159:21, 159:23, 182:3, 188:2, 188:4, 227:3, 240:6</p> <p>changed [11] - 65:18, 90:16, 101:9, 157:25, 159:19, 159:21, 164:3, 184:1, 187:25, 203:20</p> <p>changes [22] - 48:17, 67:18, 67:20, 91:3, 99:6, 101:8, 101:15, 117:22, 140:1, 140:3, 140:8, 145:1, 159:4, 160:8, 160:14, 164:20, 164:21, 164:22, 164:24, 167:25, 212:5, 226:3</p> <p>changing [4] - 64:24, 98:3, 157:10, 157:13</p> <p>channel [1] - 175:12</p> <p>Chapter [7] - 17:3,</p>	<p>17:6, 17:8, 18:14, 63:21, 76:17, 109:3</p> <p>characteristics [14] - 59:10, 59:19, 60:3, 75:6, 81:8, 84:6, 84:21, 84:22, 97:12, 98:4, 184:21, 185:13, 185:18</p> <p>charge [4] - 35:8, 41:3, 134:10, 134:16</p> <p>charged [1] - 159:3</p> <p>CHARLES [1] - 3:11</p> <p>CHARLESTON [2] - 1:2, 1:18</p> <p>Charleston [6] - 2:8, 3:13, 4:19, 5:15, 6:9, 7:4</p> <p>chart [6] - 30:17, 169:7, 170:23, 170:25, 172:20, 186:5</p> <p>Chase [1] - 4:18</p> <p>chatting [1] - 31:3</p> <p>cheat [1] - 101:5</p> <p>check [1] - 30:20</p> <p>checklist [1] - 188:25</p> <p>checks [1] - 203:13</p> <p>chemical [3] - 94:12, 94:14, 95:1</p> <p>chemicals [3] - 94:18, 94:21, 95:2</p> <p>Chesterbrook [1] - 6:15</p> <p>chewed [1] - 79:5</p> <p>Chicago [1] - 53:9</p> <p>chicken [1] - 9:22</p> <p>chief [2] - 28:8, 73:8</p> <p>Chief [5] - 154:4, 154:5, 219:23, 219:24</p> <p>choice [3] - 9:15, 10:22, 65:22</p> <p>choose [4] - 11:6, 62:13, 62:15, 240:4</p> <p>chose [1] - 30:12</p> <p>chosen [1] - 14:2</p> <p>Chris [6] - 100:25, 101:1, 101:7, 101:13, 124:25, 215:1</p> <p>Circuit [4] - 7:24, 8:4, 131:13, 132:3</p> <p>circumstance [3] - 11:4, 117:5</p> <p>circumstances [16] - 11:23, 12:21, 13:20, 82:15, 92:18, 93:3, 96:7, 99:15, 113:21, 117:25, 118:4, 184:20, 186:23,</p>	<p>189:12, 207:21, 240:5</p> <p>circumstantial [1] - 206:21</p> <p>cite [3] - 13:1, 44:23, 109:7</p> <p>citizen [1] - 81:6</p> <p>City [6] - 4:1, 5:11, 28:4, 110:20, 164:7, 241:5</p> <p>CITY [1] - 1:4</p> <p>Civil [3] - 1:4, 241:7, 241:8</p> <p>civil [1] - 1:10</p> <p>claimed [1] - 218:22</p> <p>clarification [2] - 24:9, 32:12</p> <p>clarify [2] - 119:14, 119:22</p> <p>class [1] - 86:13</p> <p>classification [1] - 184:25</p> <p>CLE [1] - 209:3</p> <p>clear [24] - 12:15, 13:1, 16:24, 23:16, 25:3, 26:19, 28:18, 28:24, 31:16, 32:16, 63:1, 63:9, 65:15, 65:23, 90:24, 91:23, 103:25, 115:25, 121:16, 121:25, 128:12, 130:23, 133:6, 145:24</p> <p>clearance [1] - 65:24</p> <p>cleared [2] - 63:7, 63:12</p> <p>clearly [2] - 23:2, 30:23</p> <p>clears [1] - 63:5</p> <p>CLERK [1] - 26:15</p> <p>client [8] - 129:6, 129:8, 129:12, 131:19, 131:25, 132:7, 132:10, 132:12</p> <p>client's [1] - 132:11</p> <p>clinic [7] - 113:4, 114:15, 115:2, 115:16, 115:19, 233:22, 233:23</p> <p>clinical [2] - 175:18, 175:23</p> <p>clinics [9] - 104:12, 104:13, 104:14, 114:24, 115:2, 115:12, 115:13, 115:20, 211:6</p> <p>close [2] - 59:24, 81:4</p> <p>Closed [7] - 175:25, 176:1, 176:3,</p>	<p>176:11, 178:9, 178:10, 179:15</p> <p>closed [3] - 178:18, 188:2, 188:4</p> <p>closer [3] - 152:12, 158:21, 177:14</p> <p>closes [1] - 117:19</p> <p>closest [1] - 176:13</p> <p>closing [1] - 233:13</p> <p>co [1] - 126:16</p> <p>co-counsel [1] - 126:16</p> <p>Cochran [3] - 6:17, 241:2, 241:11</p> <p>Code [2] - 148:18, 148:21</p> <p>code [4] - 86:19, 148:17, 148:18, 148:22</p> <p>Cohen [1] - 68:23</p> <p>collaborative [1] - 85:12</p> <p>collate [1] - 213:10</p> <p>colleagues [3] - 220:22, 221:1, 221:20</p> <p>collect [2] - 81:3, 213:9</p> <p>collected [1] - 206:19</p> <p>College [2] - 152:11</p> <p>Column [1] - 148:9</p> <p>column [1] - 150:5</p> <p>columns [1] - 148:8</p> <p>combined [1] - 171:20</p> <p>coming [7] - 12:16, 14:9, 21:3, 26:5, 91:13, 115:18, 117:2</p> <p>Coming [1] - 200:23</p> <p>comment [2] - 119:8, 190:19</p> <p>comments [2] - 50:19, 224:22</p> <p>COMMISSION [1] - 1:10</p> <p>Commission [2] - 2:2, 3:2</p> <p>commissioned [1] - 208:9</p> <p>Committee [6] - 93:25, 94:1, 144:2, 145:14, 156:8, 156:11</p> <p>committee [7] - 107:25, 108:2, 108:13, 108:17, 108:24, 156:12, 156:13</p> <p>communicate [6] - 85:13, 172:16, 217:12, 227:4,</p>
---	--	---	--	--

<p>227:7, 227:15 communicated [1] - 227:12 communicating [1] - 172:15 communication [7] - 51:21, 54:21, 131:20, 132:1, 181:21, 199:21, 208:16 company [4] - 26:21, 78:20, 139:7, 189:20 company's [1] - 238:17 compare [2] - 136:15, 190:19 compared [2] - 96:11, 206:8 competitor [3] - 116:10, 157:22, 158:2 compilation [1] - 20:10 compiled [1] - 92:22 complete [2] - 42:17, 217:17 completed [1] - 90:18 completely [5] - 9:7, 11:8, 70:25, 93:20, 94:5 compliance [13] - 51:10, 53:25, 67:4, 73:20, 161:6, 164:3, 172:3, 172:10, 183:14, 210:20, 224:1, 234:21, 234:23 Compliance [2] - 53:20, 55:3 complied [2] - 162:6, 230:9 component [21] - 49:6, 49:18, 56:11, 78:13, 103:23, 147:21, 157:17, 163:5, 163:6, 172:19, 177:22, 181:3, 183:3, 184:3, 184:6, 184:11, 191:21, 191:25, 192:2, 192:9 components [13] - 49:19, 59:1, 102:9, 158:11, 163:2, 172:8, 172:23, 182:21, 190:17, 191:8, 191:14, 205:25, 219:14 compounding [1] - 185:16</p>	<p>comprehensive [1] - 75:9 computer [5] - 6:19, 81:18, 89:15, 216:7, 225:14 computer-generated [1] - 89:15 computers [2] - 39:24, 39:25 concern [13] - 67:8, 67:21, 113:7, 113:18, 116:19, 116:20, 170:11, 215:4, 222:2, 228:12, 229:5, 229:23 concerned [2] - 104:5, 124:8 concerns [7] - 51:16, 51:18, 108:7, 117:10, 121:14, 224:19, 227:22 concluded [1] - 107:16 conclusion [4] - 139:14, 162:12, 164:12, 164:14 conclusions [1] - 31:14 concrete [1] - 195:8 conditional [2] - 8:3, 15:2 conditionally [2] - 10:12, 15:2 conditions [1] - 169:4 conduct [11] - 57:19, 63:9, 85:10, 103:24, 173:4, 175:18, 186:4, 188:13, 189:6, 223:9, 229:25 conducted [5] - 144:16, 212:10, 223:10, 223:11, 223:21 conducting [1] - 202:4 confer [2] - 22:21, 25:15 conference [12] - 107:20, 157:20, 157:21, 158:4, 159:7, 160:9, 168:25, 190:13, 190:15, 190:18, 190:25, 191:3 Conference [2] - 157:15, 165:23 confines [1] - 131:25 confirm [3] - 15:3, 236:20, 236:25 conflict [3] - 13:1,</p>	<p>52:1, 52:3 confused [2] - 77:22, 131:11 confusing [2] - 127:1 confusion [4] - 11:10, 12:2, 204:20, 236:20 Congress [1] - 27:10 conjunction [2] - 154:13, 157:22 connection [1] - 28:14 Connolly [2] - 4:13, 5:4 CONROY [1] - 3:3 consider [7] - 43:4, 44:18, 45:12, 82:14, 103:11, 132:23 consideration [5] - 7:14, 82:11, 113:20, 139:7, 143:3 considerations [1] - 139:9 considered [1] - 185:11 considering [1] - 135:12 consistency [1] - 81:24 consistent [6] - 31:11, 159:1, 163:11, 163:24, 168:24, 207:23 consistently [1] - 185:23 constant [1] - 192:12 constraints [1] - 52:7 constructed [1] - 75:19 consultant [1] - 130:18 consultants [2] - 174:21, 187:15 consume [2] - 213:11, 213:14 contact [6] - 78:21, 109:11, 109:16, 160:24, 160:25, 219:25 contain [1] - 94:21 contains [1] - 155:19 contemplated [1] - 132:4 contend [2] - 127:20, 127:21 content [1] - 214:19 contention [1] - 52:1 contents [1] - 27:20 context [1] - 22:12 continually [1] - 66:6 continue [11] - 30:24, 31:3, 34:7, 34:14,</p>	<p>68:24, 149:20, 183:24, 196:24, 212:10, 228:3, 229:16 CONTINUED [1] - 15:21 Continued [5] - 3:1, 5:1, 5:6, 6:1, 6:10 continued [3] - 48:16, 90:22, 160:8 continues [1] - 8:4 continuing [4] - 45:23, 208:17, 208:23, 209:3 continuous [8] - 51:19, 87:14, 165:1, 183:25, 184:2, 213:5, 213:12, 226:13 continuously [3] - 67:19, 67:22, 109:8 contract [1] - 98:6 contradiction [1] - 12:3 contrary [1] - 42:17 Control [3] - 76:17, 154:15, 155:12 control [6] - 11:19, 13:19, 83:18, 112:3, 120:16, 238:17 controlled [44] - 59:20, 60:10, 60:13, 77:8, 79:23, 79:24, 81:1, 81:19, 83:15, 83:17, 94:20, 96:2, 96:4, 96:5, 96:8, 96:9, 96:17, 97:3, 98:16, 100:16, 108:10, 112:4, 153:21, 155:5, 167:19, 176:20, 177:24, 178:11, 178:14, 178:16, 179:10, 180:11, 181:8, 185:19, 195:23, 207:10, 208:21, 211:12, 213:20, 219:5, 228:24, 233:12 Controlled [11] - 47:21, 73:20, 74:1, 162:6, 162:16, 162:20, 162:22, 163:3, 163:11, 163:24, 230:10 controls [12] - 73:24, 74:2, 76:11, 76:24, 77:4, 77:10, 77:12, 77:13, 77:24, 78:1, 163:6, 194:22</p>	<p>conversation [3] - 30:25, 226:11, 237:14 conversations [1] - 21:23 Cook [3] - 6:18, 241:3, 241:11 cooperative [1] - 85:12 copies [3] - 14:17, 169:18, 221:6 copy [4] - 34:1, 71:13, 169:11, 169:12 core [1] - 29:24 corner [2] - 137:12, 137:15 corporate [4] - 50:16, 97:17, 169:23, 207:2 corporate-wide [1] - 97:17 Corporation [2] - 6:2, 241:7 corporation [4] - 1:7, 1:13, 23:7, 32:20 Correct [14] - 72:7, 74:9, 81:20, 87:8, 88:16, 90:14, 100:12, 100:16, 101:12, 103:19, 109:25, 117:2, 211:25, 223:16 correct [197] - 16:11, 16:18, 16:20, 17:9, 17:21, 17:24, 19:15, 19:24, 20:1, 20:2, 24:2, 24:19, 24:20, 35:2, 37:1, 37:15, 39:11, 39:12, 39:13, 39:15, 39:19, 39:23, 40:8, 40:9, 40:17, 40:22, 41:5, 48:10, 48:15, 49:2, 49:14, 51:1, 51:8, 51:9, 51:12, 51:13, 51:17, 52:2, 52:14, 52:15, 52:18, 53:3, 53:6, 53:11, 53:23, 54:3, 54:13, 55:2, 55:6, 56:2, 56:6, 56:7, 56:9, 56:16, 57:6, 57:23, 58:3, 58:5, 58:23, 58:25, 59:3, 59:4, 59:13, 59:14, 60:2, 61:4, 61:20, 62:3, 62:6, 62:11, 62:23, 63:2, 63:13, 64:5, 64:18, 64:19, 64:25, 65:3, 65:6, 65:12, 65:24, 67:1, 67:14, 72:3, 72:6,</p>
--	--	--	---	--

72:11, 72:13, 72:24,
73:9, 73:10, 74:14,
74:17, 75:14, 76:6,
76:7, 76:12, 76:22,
80:8, 80:11, 80:14,
80:21, 82:3, 83:2,
84:18, 85:23, 86:1,
86:8, 86:14, 86:20,
86:21, 86:25, 87:2,
88:24, 89:6, 89:25,
90:6, 91:23, 92:10,
92:23, 95:3, 95:4,
95:9, 95:13, 95:18,
95:19, 95:25, 96:18,
97:4, 97:24, 99:5,
103:18, 104:6,
107:9, 107:10,
108:7, 109:4, 109:6,
109:21, 109:22,
110:1, 111:7,
111:12, 112:10,
112:11, 112:15,
113:23, 114:9,
115:7, 117:18,
134:24, 135:5,
135:9, 136:4,
136:18, 136:19,
136:22, 137:2,
137:16, 138:8,
138:10, 138:13,
139:24, 139:25,
140:11, 141:3,
141:5, 141:10,
141:13, 143:12,
143:15, 147:15,
147:16, 147:19,
149:10, 149:24,
150:16, 157:6,
159:24, 163:14,
166:23, 167:21,
168:22, 171:3,
171:6, 171:19,
171:20, 186:9,
191:22, 192:14,
211:24, 215:8,
216:2, 229:3,
231:21, 232:22,
234:2, 241:4
correction [1] - 144:5
correctly [3] - 107:23,
113:5, 113:6
correspondence [3] -
76:14, 208:7, 209:6
correspondences [1]
- 76:15
corresponding [13] -
115:10, 116:3,
177:3, 177:5,
177:21, 177:25,
178:7, 179:3,

208:11, 208:12,
208:13, 229:23,
229:24
corroborate [2] -
101:24, 102:2
Counsel [2] - 120:16,
153:15
counsel [14] - 18:4,
27:24, 28:6, 70:17,
71:3, 93:22, 106:7,
126:16, 161:12,
173:24, 182:24,
209:21, 233:8,
235:19
counsel [2] - 225:15
country [12] - 39:10,
40:20, 42:6, 51:12,
53:22, 60:25, 79:3,
109:24, 135:25,
136:6, 136:13,
156:14
counts [1] - 130:23
COUNTY [1] - 1:10
County [11] - 2:2, 3:2,
28:5, 63:24, 79:17,
110:19, 110:21,
113:10, 148:6,
181:20, 182:1
county's [1] - 79:18
couple [9] - 7:16,
13:3, 43:1, 151:9,
151:11, 189:24,
190:17, 196:19,
228:5
course [21] - 7:22,
11:5, 18:23, 20:4,
20:11, 79:24, 88:4,
88:24, 109:16,
115:4, 133:17,
134:10, 137:19,
139:24, 140:2,
144:12, 178:3,
179:1, 199:4, 226:1,
239:17
COURT [238] - 1:1,
1:17, 7:6, 7:9, 7:11,
11:1, 13:17, 14:3,
14:8, 14:14, 14:19,
14:25, 15:5, 15:10,
15:17, 17:15, 21:12,
21:14, 22:7, 23:5,
23:19, 23:25, 24:3,
24:7, 24:12, 24:17,
24:21, 25:4, 25:10,
25:17, 25:22, 26:1,
26:8, 26:11, 27:1,
27:4, 27:8, 30:4,
31:8, 32:5, 32:18,
33:4, 33:8, 33:22,
34:8, 34:11, 35:15,

36:5, 36:12, 36:16,
36:18, 38:19, 38:23,
39:1, 41:9, 42:19,
43:14, 43:25, 44:8,
44:11, 44:14, 44:18,
44:25, 45:11, 45:25,
46:21, 46:25, 47:4,
47:16, 47:25, 48:5,
49:22, 53:17, 55:13,
66:14, 66:18, 68:12,
69:3, 69:10, 69:17,
70:1, 70:9, 71:6,
72:17, 72:19, 75:25,
78:7, 93:10, 93:19,
94:5, 96:22, 96:25,
101:22, 102:24,
103:1, 103:5,
103:10, 104:17,
104:21, 104:24,
106:13, 106:17,
106:21, 107:2,
110:24, 113:11,
114:4, 117:7, 118:5,
118:9, 118:13,
118:25, 119:4,
119:15, 119:20,
121:3, 121:6, 122:2,
123:20, 124:3,
125:10, 125:14,
126:2, 126:9,
126:20, 126:24,
127:14, 129:14,
129:17, 129:20,
129:22, 130:21,
132:19, 132:25,
133:7, 133:13,
133:16, 133:19,
134:19, 137:25,
142:11, 142:16,
142:21, 142:24,
143:20, 145:13,
145:16, 145:24,
146:16, 146:24,
147:1, 151:3, 151:6,
151:13, 151:16,
161:21, 162:13,
163:16, 164:6,
164:9, 164:16,
165:11, 165:14,
166:2, 169:21,
170:5, 170:12,
170:14, 173:15,
175:21, 177:8,
177:11, 182:5,
182:9, 190:4, 190:7,
191:11, 191:15,
194:16, 197:13,
198:5, 198:8,
198:10, 199:11,
199:14, 200:13,
200:16, 201:18,

201:21, 202:13,
202:16, 203:20,
204:1, 204:7, 205:2,
205:4, 205:6,
209:15, 209:18,
210:12, 210:15,
211:13, 211:18,
211:21, 213:25,
214:3, 215:20,
215:23, 217:1,
217:4, 222:15,
222:19, 228:6,
230:18, 230:22,
230:25, 231:2,
233:1, 235:9,
235:14, 235:22,
236:3, 236:6, 236:9,
236:14, 236:17,
237:4, 237:9,
237:12, 237:24,
238:14, 239:4,
239:7, 239:12,
239:23, 240:1,
240:9, 240:11
court [8] - 13:12,
27:23, 28:9, 28:10,
68:21, 123:6, 131:8,
132:13
Court [43] - 6:17, 6:18,
7:3, 7:23, 11:12,
11:17, 11:19, 12:20,
13:10, 14:17, 15:4,
15:19, 27:3, 28:16,
36:1, 38:18, 38:22,
44:12, 62:18, 65:15,
74:19, 86:19, 87:20,
89:12, 94:10,
103:10, 107:24,
119:19, 121:25,
122:19, 122:23,
122:25, 123:1,
125:18, 125:20,
125:22, 128:16,
128:20, 146:1,
148:16, 241:2, 241:3
Court's [5] - 32:16,
51:7, 56:17, 233:15,
236:4
cover [9] - 32:5, 36:11,
37:23, 42:25, 69:2,
164:20, 199:23,
200:1, 202:2
covered [2] - 32:20,
129:11
covers [2] - 145:20,
199:24
Covington [1] - 5:11
create [2] - 196:14,
196:16
created [5] - 49:9,

49:10, 59:6, 108:2,
196:13
creating [2] - 196:15,
204:20
creation [1] - 50:10
crisis [5] - 79:10,
79:12, 79:16, 79:19,
226:21
criticism [1] - 224:16
CROSS [1] - 151:23
cross [6] - 11:10,
13:24, 14:3, 188:16,
188:21, 230:18
cross-train [1] -
188:21
CRR [2] - 6:17, 6:18
crystal [1] - 28:18
CSA [1] - 77:11
CT2 [4] - 28:13, 28:15,
148:5
cure [5] - 29:13,
118:19, 120:12,
121:23, 127:12
cures [1] - 126:10
current [1] - 159:20
custodial [10] - 29:15,
29:20, 118:21,
118:22, 118:24,
120:13, 120:18,
121:21, 127:12,
129:2
Customer [22] - 49:4,
49:6, 97:23, 158:14,
172:18, 172:25,
173:1, 173:3,
173:21, 174:12,
183:2, 183:19,
183:24, 186:16,
187:2, 187:18,
189:2, 189:3,
191:21, 193:6,
193:7, 212:17
customer [67] - 39:9,
39:10, 56:6, 56:18,
56:25, 58:4, 58:7,
60:22, 77:21, 78:22,
80:7, 80:10, 81:8,
81:9, 81:11, 81:25,
82:5, 82:6, 82:7,
82:9, 82:16, 83:1,
83:4, 83:8, 83:9,
83:21, 83:24, 87:16,
87:23, 88:7, 88:9,
88:11, 88:22, 89:1,
91:6, 92:7, 92:10,
96:15, 97:2, 98:9,
98:11, 111:13,
149:3, 149:18,
149:19, 173:25,
180:10, 183:9,

183:12, 183:23, 184:24, 185:4, 185:6, 186:22, 196:22, 200:25, 211:10, 212:20, 213:18, 218:14, 219:4, 219:6, 222:7, 222:23, 224:4 customer's [3] - 59:25, 65:6, 96:1 customers [56] - 59:10, 59:11, 59:15, 60:19, 60:24, 75:22, 80:21, 83:10, 85:21, 86:3, 89:13, 90:13, 96:11, 108:8, 117:2, 117:22, 139:5, 159:12, 167:6, 173:4, 173:6, 173:19, 175:5, 183:5, 183:25, 193:15, 193:17, 198:16, 207:10, 207:15, 207:20, 208:1, 208:8, 208:16, 208:20, 209:10, 218:2, 219:10, 220:20, 222:1, 222:5, 224:11, 224:14, 225:20, 228:18, 228:22, 229:13, 229:14, 229:16, 231:17, 231:21, 231:22, 231:24, 232:13, 233:17 customers' [1] - 59:23 customized [2] - 185:9, 207:9 cut [11] - 44:21, 96:8, 100:8, 100:10, 230:2, 231:8, 231:13, 231:20, 231:22, 232:1, 232:3 CVS [2] - 84:11, 205:19 cyclical [4] - 225:4, 225:6, 225:16, 225:17	186:18, 187:21, 206:22, 213:22, 218:9, 218:11, 229:12 database [2] - 198:15, 198:16 dataset [2] - 59:9 Date [1] - 241:16 date [5] - 50:7, 150:7, 150:8, 216:14 dated [1] - 204:19 David [2] - 7:1, 125:1 DAVID [2] - 1:17, 2:9 days [8] - 13:4, 22:4, 126:1, 223:17, 237:3, 239:1 DC [6] - 2:11, 4:7, 4:14, 4:16, 5:5, 5:12 De [2] - 2:4, 2:16 DEA [160] - 16:7, 16:8, 19:2, 19:23, 32:6, 34:6, 34:18, 37:23, 47:10, 57:6, 57:25, 58:2, 62:14, 63:2, 67:15, 67:17, 71:4, 73:17, 76:9, 76:15, 77:20, 81:2, 81:13, 86:5, 93:12, 93:15, 93:24, 94:3, 94:11, 95:21, 100:14, 104:1, 104:3, 116:7, 116:10, 116:13, 117:1, 117:11, 117:14, 117:15, 117:19, 122:15, 123:25, 147:8, 147:15, 148:12, 148:14, 149:3, 149:4, 149:6, 149:9, 157:15, 157:22, 157:24, 158:1, 158:8, 159:1, 159:23, 160:2, 160:21, 160:24, 161:1, 161:4, 161:5, 161:7, 161:10, 162:1, 164:1, 165:4, 165:18, 166:23, 167:1, 167:3, 168:4, 168:9, 168:11, 168:15, 168:18, 168:19, 168:24, 176:16, 176:19, 176:22, 176:24, 177:1, 177:6, 177:22, 178:14, 178:15, 178:17, 179:15, 179:21, 180:3, 180:8, 180:12, 180:20,	181:9, 181:11, 181:15, 181:18, 181:21, 181:24, 187:16, 189:16, 190:13, 193:24, 194:2, 194:5, 194:8, 194:12, 194:20, 196:1, 196:4, 201:9, 207:6, 210:25, 213:17, 217:22, 217:24, 218:2, 218:5, 218:19, 219:2, 219:3, 219:8, 219:9, 219:15, 219:20, 219:24, 219:25, 220:8, 221:14, 221:20, 222:8, 222:10, 222:14, 222:22, 222:25, 223:24, 224:10, 224:25, 225:4, 225:7, 225:8, 225:17, 225:24, 226:3, 226:14, 228:8, 228:25, 229:2, 230:9, 233:16, 234:8, 234:17, 235:7, 235:19 DEA's [1] - 9:24 deadline [1] - 20:12 deal [7] - 83:10, 121:9, 121:11, 122:25, 124:8, 125:11, 126:5 dealing [3] - 8:3, 85:18, 110:5 dealt [2] - 122:24, 206:8 December [25] - 16:9, 17:19, 19:6, 20:18, 20:24, 23:10, 23:17, 23:21, 23:23, 24:3, 30:21, 31:2, 31:7, 40:5, 40:11, 48:9, 63:22, 79:2, 157:8, 158:24, 160:5, 160:10, 166:9, 166:18, 169:1 decide [2] - 189:10, 189:11 decided [3] - 30:15, 86:15, 154:1 decision [18] - 13:10, 51:22, 58:6, 65:14, 66:2, 66:10, 82:5, 83:19, 84:15, 91:13, 92:3, 92:19, 99:20, 99:21, 178:2, 199:20, 201:8, 229:25	decisions [5] - 66:8, 94:4, 118:1, 213:14, 213:15 declare [1] - 29:20 deep [2] - 223:24, 232:15 default [1] - 91:25 Defendant [4] - 4:10, 5:2, 5:7, 6:2 defendant [1] - 36:19 Defendants [3] - 1:8, 1:14, 241:7 defendants [20] - 10:15, 10:20, 14:12, 24:15, 27:6, 27:19, 28:2, 29:25, 30:1, 123:8, 123:16, 123:24, 124:6, 129:4, 129:10, 170:1, 170:4, 170:10, 230:19 Defendants' [2] - 190:1, 190:11 defendants' [6] - 8:17, 8:19, 8:24, 9:21, 9:25, 10:14 defending [2] - 43:21, 43:24 defense [2] - 78:16, 78:19 deficiencies [2] - 232:7, 232:8 define [2] - 104:13, 177:4 definitions [1] - 179:12 delaying [1] - 13:6 deliver [2] - 208:19 Deloitte [2] - 143:6, 143:18 Delta [1] - 130:15 delta [1] - 90:7 Demand [2] - 144:2, 145:13 demo [2] - 61:13 Demo [1] - 61:15 demographic [1] - 81:3 demonstrable [3] - 38:13, 41:22, 41:23 demonstrate [2] - 42:10, 98:4 demonstrative [6] - 58:9, 58:11, 58:12, 152:3, 169:9, 176:6 Demonstrative [3] - 151:22, 176:7, 182:24 demonstratives [4] - 169:16, 169:19,	169:24, 169:25 Dendrite [5] - 68:1, 130:11, 133:5, 143:14, 143:18 Department [2] - 16:3, 137:20 department [9] - 16:24, 17:4, 80:18, 83:15, 83:16, 83:17, 108:4, 141:8, 200:19 departure [7] - 12:22, 12:23, 16:22, 16:23, 16:24, 17:8, 236:13 depo [3] - 30:18, 30:19, 36:11 depose [4] - 10:17, 29:14, 30:14, 118:20 deposed [1] - 13:3 deposing [1] - 10:18 deposition [18] - 9:17, 9:18, 11:14, 13:4, 13:8, 13:11, 27:6, 27:8, 27:12, 28:11, 30:13, 30:16, 120:18, 121:22, 127:12, 129:3, 144:8, 144:11 depositions [1] - 28:14 describe [21] - 152:7, 153:14, 154:11, 155:23, 160:17, 171:11, 172:20, 174:6, 176:1, 180:23, 184:4, 184:16, 184:18, 187:10, 192:2, 192:7, 206:12, 208:6, 212:15, 220:1, 220:22 Describe [2] - 183:7, 228:8 described [6] - 63:21, 177:2, 191:20, 191:24, 208:13, 221:2 describing [1] - 192:23 description [4] - 89:17, 134:2, 172:1, 184:21 design [3] - 143:3, 182:22, 195:22 designations [4] - 30:18, 30:19, 36:10, 36:11 designed [11] - 39:8, 42:25, 60:17, 60:18, 61:22, 74:13, 87:10, 90:22, 94:14, 94:17,
D				
d)(2)(B) [1] - 146:12 d)(2)(C) [1] - 146:12 data [22] - 8:9, 8:10, 9:24, 9:25, 81:3, 81:25, 84:3, 88:25, 89:15, 89:17, 91:12, 174:2, 174:11, 174:25, 185:24,				

<p>95:1</p> <p>designing [1] - 147:21</p> <p>desire [1] - 29:1</p> <p>desk [1] - 177:15</p> <p>detail [1] - 86:18</p> <p>details [2] - 195:14, 219:15</p> <p>detecting [1] - 201:12</p> <p>determination [6] - 82:25, 83:7, 95:7, 115:7, 177:24, 189:14</p> <p>determine [15] - 7:18, 9:25, 59:18, 59:25, 63:1, 84:17, 84:19, 92:1, 95:22, 104:2, 125:20, 155:1, 194:21, 200:5, 212:11</p> <p>determined [8] - 59:19, 78:3, 83:5, 93:13, 93:19, 95:11, 136:13, 229:20</p> <p>determines [1] - 83:3</p> <p>determining [4] - 9:23, 11:22, 90:5, 139:6</p> <p>develop [6] - 77:6, 80:16, 94:25, 163:7, 175:14, 175:18</p> <p>developed [4] - 49:1, 49:7, 147:18</p> <p>development [2] - 82:21, 157:16</p> <p>deviating [3] - 74:10, 75:7, 75:23</p> <p>deviations [1] - 153:6</p> <p>devise [1] - 59:3</p> <p>devised [3] - 59:5, 80:13, 139:3</p> <p>differ [1] - 185:18</p> <p>difference [1] - 203:6</p> <p>differences [1] - 206:7</p> <p>different [27] - 9:9, 9:10, 49:17, 49:18, 51:11, 53:21, 59:11, 60:1, 60:15, 61:13, 72:23, 81:21, 83:11, 83:13, 85:3, 99:9, 111:20, 117:8, 159:14, 159:15, 163:2, 185:15, 185:16, 205:18, 207:7, 212:2, 223:17</p> <p>differently [5] - 74:16, 99:11, 107:14, 112:9, 112:11</p> <p>difficulty [1] - 158:21</p> <p>diligence [37] - 49:8, 49:10, 49:11, 49:12,</p>	<p>49:14, 49:17, 57:16, 57:18, 62:20, 62:22, 62:24, 62:25, 63:5, 63:9, 65:6, 82:4, 85:10, 85:12, 92:9, 92:17, 99:13, 100:3, 103:24, 103:25, 114:20, 115:6, 115:8, 173:4, 193:6, 224:4, 224:13, 224:17, 224:20, 224:23, 225:1, 225:21, 228:17</p> <p>direct [1] - 10:23</p> <p>DIRECT [1] - 15:21</p> <p>direction [1] - 51:15</p> <p>directly [4] - 67:24, 178:19, 181:12, 225:24</p> <p>Director [7] - 71:22, 101:3, 154:2, 154:7, 154:12, 156:7, 227:10</p> <p>Directors [3] - 146:5, 227:11, 227:12</p> <p>directors [1] - 53:4</p> <p>directs [1] - 237:21</p> <p>disagree [5] - 41:10, 45:8, 49:16, 70:19, 130:22</p> <p>disagreeing [1] - 31:4</p> <p>discern [1] - 85:15</p> <p>disclosable [1] - 85:21</p> <p>disclose [2] - 86:16, 87:15</p> <p>disclosed [1] - 142:5</p> <p>disclosing [1] - 86:2</p> <p>discovered [2] - 74:8, 113:2</p> <p>discovery [6] - 27:5, 27:11, 28:19, 46:20, 129:7, 195:20</p> <p>discretion [5] - 7:18, 7:21, 7:23, 10:24, 22:2</p> <p>discuss [2] - 133:15, 170:13</p> <p>discussed [3] - 35:7, 193:11, 235:17</p> <p>discussion [12] - 43:21, 88:15, 94:24, 107:20, 122:6, 126:14, 159:7, 165:7, 169:16, 170:7, 174:9, 216:16</p> <p>discussions [1] - 27:22</p> <p>disorder [2] - 79:7, 79:23</p>	<p>disparate [1] - 213:8</p> <p>dispense [4] - 176:23, 176:25, 177:24, 228:24</p> <p>dispensed [3] - 89:19, 90:4, 155:3</p> <p>dispensers [1] - 155:11</p> <p>dispenses [1] - 179:4</p> <p>dispensing [8] - 87:12, 89:21, 89:25, 98:14, 113:12, 115:9, 180:16, 208:21</p> <p>dispute [1] - 41:24</p> <p>distinct [1] - 11:5</p> <p>distinction [1] - 124:7</p> <p>distinguished [1] - 124:5</p> <p>distract [1] - 30:6</p> <p>distribute [1] - 180:4</p> <p>distributing [2] - 149:8, 219:5</p> <p>Distribution [23] - 16:17, 19:7, 38:12, 39:12, 40:21, 40:23, 41:16, 42:4, 45:19, 47:23, 55:3, 149:10, 160:25, 161:25, 165:20, 165:25, 167:14, 172:7, 172:8, 175:25, 176:1, 176:3, 176:11</p> <p>distribution [40] - 19:9, 19:12, 38:10, 39:18, 40:3, 40:19, 41:13, 42:5, 42:8, 51:11, 53:21, 53:25, 66:25, 67:4, 70:18, 71:2, 77:1, 104:15, 147:9, 149:11, 161:3, 161:9, 161:17, 166:22, 167:9, 167:17, 168:8, 171:17, 172:11, 175:12, 176:13, 192:21, 193:23, 194:1, 194:6, 222:25, 223:5, 223:20, 225:9, 225:24</p> <p>distributions [1] - 59:3</p> <p>distributor [15] - 10:4, 33:18, 34:1, 34:2, 34:19, 34:22, 76:10, 82:2, 86:8, 164:1, 175:3, 175:7, 175:13, 180:2</p> <p>distributors [5] -</p>	<p>155:17, 181:6, 217:19, 218:16, 225:1</p> <p>DISTRICT [3] - 1:1, 1:1, 1:17</p> <p>District [2] - 7:2, 7:3</p> <p>dive [2] - 223:25, 232:15</p> <p>diversion [31] - 50:5, 54:5, 73:25, 74:3, 76:11, 76:24, 77:4, 77:10, 77:12, 77:18, 78:2, 104:4, 104:9, 104:11, 104:18, 141:9, 163:6, 169:8, 171:23, 172:16, 187:16, 194:22, 210:22, 219:4, 219:10, 220:8, 222:2, 223:24, 225:8, 225:24, 234:17</p> <p>Diversion [45] - 16:3, 16:20, 19:15, 19:17, 19:19, 35:8, 52:20, 53:9, 54:10, 70:6, 76:16, 78:11, 97:17, 137:19, 156:24, 157:2, 157:6, 157:9, 158:9, 160:1, 162:24, 164:23, 165:18, 171:14, 181:18, 181:24, 182:15, 182:18, 189:9, 192:5, 192:16, 192:18, 193:22, 204:16, 204:22, 207:12, 208:1, 208:2, 209:9, 212:17, 213:7, 219:15, 226:2, 230:5, 230:13</p> <p>diverted [1] - 63:11</p> <p>divided [1] - 59:11</p> <p>Division [2] - 54:25, 134:11</p> <p>division [1] - 73:5</p> <p>Docket [2] - 119:24, 121:14</p> <p>docs [1] - 123:24</p> <p>doctor [2] - 115:11, 178:1</p> <p>Doctor [1] - 104:10</p> <p>doctors [3] - 98:13, 180:17, 217:10</p> <p>Doctrine [1] - 27:12</p> <p>document [105] - 17:23, 18:1, 19:14, 19:22, 19:25, 23:2, 28:1, 29:16, 29:17,</p>	<p>29:23, 31:23, 31:24, 31:25, 33:24, 34:23, 35:12, 35:13, 35:21, 35:25, 37:5, 37:7, 37:9, 37:14, 37:22, 37:24, 44:5, 44:6, 46:4, 46:10, 47:7, 49:25, 50:16, 52:23, 54:19, 68:14, 68:17, 68:20, 68:22, 69:2, 69:8, 70:5, 70:7, 70:13, 70:16, 70:20, 70:22, 70:24, 71:3, 71:10, 71:11, 71:14, 71:25, 73:1, 93:3, 100:23, 103:15, 105:7, 105:16, 120:23, 121:1, 121:19, 124:15, 126:22, 127:6, 127:8, 128:2, 128:13, 128:14, 128:16, 129:1, 129:5, 129:11, 129:24, 130:20, 130:24, 131:1, 131:7, 131:9, 133:22, 140:12, 143:24, 144:8, 144:9, 144:11, 146:2, 150:23, 189:5, 189:22, 190:5, 190:22, 190:24, 191:6, 191:8, 191:19, 191:20, 197:2, 197:4, 210:1, 210:17, 214:20, 232:23, 233:9, 233:22, 235:4</p> <p>Document [4] - 27:25, 118:17, 119:12, 121:14</p> <p>documentation [6] - 92:12, 92:14, 99:14, 99:17, 114:19, 224:22</p> <p>documented [7] - 62:22, 62:24, 65:5, 65:10, 65:12, 65:24, 92:9</p> <p>documents [55] - 14:13, 14:16, 20:13, 21:1, 21:2, 22:18, 23:3, 24:14, 27:20, 29:5, 29:25, 30:2, 31:13, 31:18, 32:8, 32:21, 34:21, 38:3, 69:14, 69:18, 93:7, 101:11, 101:13, 107:6, 120:2, 120:3,</p>
--	---	---	---	--

<p>121:10, 121:12, 122:9, 122:11, 122:13, 122:14, 122:16, 122:19, 123:3, 123:13, 123:14, 123:19, 123:23, 123:25, 124:1, 124:2, 124:25, 125:8, 125:10, 128:19, 128:22, 137:4, 137:18, 146:17 DOJ [2] - 47:10, 70:17 dollar [1] - 81:17 domestic [1] - 55:5 done [31] - 21:21, 39:20, 49:11, 49:12, 50:25, 51:3, 92:17, 92:18, 100:3, 111:18, 134:9, 135:15, 135:16, 138:18, 138:23, 147:19, 161:2, 188:10, 192:4, 194:13, 199:25, 203:5, 205:8, 207:23, 211:18, 211:19, 211:23, 215:6, 223:17, 224:8, 238:9 dosage [2] - 10:3, 180:2 dotted [1] - 172:4 Doug [2] - 105:19, 215:1 Doug's [1] - 215:4 Douglas [3] - 4:17, 105:14, 105:18 down [27] - 28:10, 28:19, 37:20, 43:1, 51:20, 54:24, 66:11, 101:3, 107:8, 109:5, 112:14, 112:18, 114:6, 116:13, 116:25, 117:15, 156:19, 169:13, 191:12, 226:10, 229:9, 229:13, 229:17, 231:7, 231:13, 231:17, 233:16 downstairs [1] - 220:11 Dr [21] - 8:20, 8:24, 9:24, 10:7, 10:9, 11:12, 11:13, 11:14, 11:23, 11:25, 12:1, 12:6, 12:12, 12:16, 12:23, 13:2, 13:14, 237:1, 237:7,</p>	<p>237:19, 237:22 dreaming [1] - 123:4 drive [4] - 15:3, 15:9, 213:11, 221:10 Drive [1] - 6:15 driving [1] - 213:13 drowning [1] - 15:5 DRUG [2] - 1:7, 1:13 Drug [18] - 6:2, 40:24, 67:9, 89:5, 89:12, 89:14, 89:21, 89:24, 90:3, 95:23, 100:14, 148:18, 148:21, 154:14, 154:15, 155:12, 176:14, 241:7 drug [14] - 86:13, 86:19, 89:17, 89:20, 90:9, 114:15, 148:23, 149:20, 149:25, 150:1, 179:11, 185:20, 213:21 drugs [2] - 90:1, 179:12 Dublin [11] - 39:14, 39:19, 39:20, 39:23, 39:24, 40:1, 41:4, 41:6, 53:9, 137:2, 220:11 due [36] - 26:4, 49:8, 49:10, 49:11, 49:12, 49:13, 49:17, 57:16, 57:18, 62:19, 62:22, 62:24, 62:25, 63:5, 63:9, 65:6, 82:4, 85:10, 85:12, 92:9, 99:13, 100:3, 103:24, 103:25, 114:20, 115:6, 115:8, 193:6, 224:4, 224:13, 224:17, 224:19, 224:23, 225:1, 225:20, 228:17 Dunham [2] - 52:16, 55:1 duplicative [1] - 13:25 During [8] - 67:25, 79:1, 182:14, 193:22, 217:23, 222:1, 222:4, 230:4 during [22] - 27:5, 49:7, 56:8, 56:24, 58:20, 63:19, 63:21, 85:9, 90:17, 96:10, 96:16, 128:24, 144:12, 181:17, 181:23, 182:18, 189:19, 204:11,</p>	<p>224:17, 224:18, 225:17, 230:12 duties [1] - 54:1 duty [1] - 134:13 dynamics [1] - 99:6</p> <p style="text-align: center;">E</p> <p>e-mail [14] - 18:3, 18:17, 18:20, 18:24, 23:3, 30:9, 32:5, 35:1, 35:4, 36:1, 50:3, 133:24, 134:4, 140:13 e-mails [1] - 134:14 early [10] - 67:12, 67:25, 92:11, 219:19, 220:1, 220:2, 221:19, 222:25, 223:4, 235:7 ease [1] - 17:3 easier [3] - 15:9, 206:25, 213:11 East [3] - 3:5, 3:12, 4:18 easy [2] - 116:18, 180:1 ECF [4] - 28:3, 28:24, 129:7, 129:9 edits [4] - 102:10, 102:11, 102:14, 102:17 educate [2] - 55:5, 209:10 education [4] - 208:10, 208:17, 208:23, 209:3 educational [1] - 152:7 educationally [1] - 152:9 effect [2] - 9:3, 61:20 effective [16] - 11:22, 73:24, 74:2, 76:10, 76:23, 77:4, 77:9, 77:12, 77:13, 77:24, 78:1, 163:5, 194:22, 230:6, 230:8 efficiency [1] - 213:11 efficient [1] - 206:20 effort [7] - 80:15, 80:16, 97:17, 97:18, 219:19, 232:2, 239:21 egg [1] - 9:22 Eighth [1] - 3:10 either [12] - 20:23, 38:15, 57:21, 84:3, 96:3, 96:16, 122:25, 123:15, 208:25,</p>	<p>215:16, 225:23, 238:24 elaborate [1] - 184:16 elected [2] - 153:25, 156:8 electronic [21] - 39:22, 40:15, 48:24, 49:16, 49:18, 56:10, 56:11, 64:4, 90:23, 92:13, 138:20, 139:22, 147:19, 154:21, 157:17, 157:23, 158:10, 158:14, 174:4, 188:7 Electronic [5] - 184:3, 184:10, 186:7, 191:25, 206:3 electronically [5] - 49:14, 56:6, 56:7, 90:18, 211:16 element [1] - 82:24 elements [3] - 27:13, 29:24, 143:7 ELIZABETH [1] - 6:14 email [20] - 71:11, 100:24, 102:16, 105:14, 105:25, 106:18, 107:4, 107:15, 113:24, 114:3, 114:11, 214:12, 214:16, 214:22, 214:25, 215:9, 215:11, 215:13, 215:25 emails [1] - 69:16 embarrassment [1] - 11:21 Emma [6] - 105:14, 105:18, 105:19, 105:25, 109:13, 109:15 emphasis [2] - 29:12, 82:23 employed [2] - 11:12, 27:12 employee [5] - 106:25, 238:16, 238:18, 238:25, 239:18 employees [7] - 55:6, 192:9, 192:21, 196:16, 196:18, 207:25, 224:2 employment [5] - 15:24, 18:23, 20:4, 134:10, 144:12 enable [1] - 84:14 enables [1] - 178:16 ENC [1] - 27:10 Encino [1] - 3:18 encourage [1] -</p>	<p>126:13 encouraged [1] - 47:4 end [12] - 13:25, 16:3, 63:22, 138:12, 144:14, 146:4, 160:20, 164:22, 165:18, 166:5, 167:13, 189:11 enforce [1] - 28:17 Enforcement [5] - 40:25, 67:9, 95:23, 100:14, 176:14 enforcement [4] - 109:5, 165:19, 167:18, 167:24 engaged [7] - 27:22, 67:21, 97:19, 165:1, 196:18, 219:4, 219:10 enhance [1] - 185:22 enhancements [1] - 34:15 ensure [3] - 73:20, 82:2, 167:5 entailed [1] - 172:2 enter [1] - 31:18 entered [8] - 47:9, 119:24, 119:25, 120:7, 121:11, 132:1, 197:4, 203:15 enterprise [2] - 109:22, 109:23 Enterprise [1] - 114:6 Enterprises [6] - 149:18, 209:25, 212:25, 214:14, 216:9, 216:10 entire [9] - 60:23, 109:22, 109:23, 139:1, 139:2, 165:2, 193:24, 238:20 entirety [1] - 14:16 entities [1] - 176:15 entitled [2] - 11:15, 44:7 entity [2] - 80:25, 178:17 entry [2] - 30:2, 150:8 ENU [1] - 4:12 epidemic [4] - 79:4, 79:9, 139:8, 143:4 epidemiologist [1] - 79:9 erase [1] - 150:18 Eric [1] - 52:16 error [1] - 149:14 especially [1] - 8:2 essential [1] - 227:21 essentially [4] - 93:17, 160:5, 177:25, 212:3</p>
---	--	--	---	---

<p>establish [6] - 23:13, 23:15, 26:21, 26:24, 33:2, 198:20</p> <p>established [9] - 16:2, 30:10, 48:16, 59:8, 70:23, 93:20, 114:1, 135:7, 231:20</p> <p>establishes [1] - 235:20</p> <p>establishing [2] - 29:4, 138:22</p> <p>establishment [1] - 154:16</p> <p>et [5] - 1:7, 1:13, 84:23, 241:6, 241:7</p> <p>evaluate [2] - 65:18, 173:3</p> <p>evaluated [1] - 57:14</p> <p>evaluating [4] - 88:15, 91:8, 117:23, 201:5</p> <p>evaluation [22] - 57:3, 58:23, 62:17, 64:22, 68:1, 88:13, 91:6, 91:17, 91:18, 95:5, 99:18, 99:19, 105:22, 105:24, 118:4, 174:12, 184:24, 186:4, 187:7, 189:11, 218:13, 218:15</p> <p>evaluations [1] - 183:22</p> <p>event [11] - 61:6, 62:10, 75:18, 88:15, 91:23, 120:17, 135:17, 199:19, 200:19, 212:14, 213:20</p> <p>events [17] - 135:2, 135:4, 135:6, 135:10, 135:11, 135:25, 136:6, 136:16, 136:21, 140:9, 140:10, 140:18, 174:13, 201:13, 207:13, 209:7, 211:17</p> <p>everywhere [3] - 53:13, 79:21, 232:6</p> <p>evidence [27] - 8:5, 11:19, 20:8, 31:13, 41:21, 42:6, 42:13, 42:14, 44:6, 46:17, 69:13, 72:16, 100:20, 101:21, 107:7, 110:18, 114:8, 125:20, 125:25, 145:4, 145:5, 197:11, 198:3, 198:6,</p>	<p>210:11, 235:3, 240:4</p> <p>evidentiary [4] - 24:23, 119:10, 121:17, 125:2</p> <p>exactly [4] - 12:5, 121:5, 145:24, 186:14</p> <p>Exam [1] - 156:11</p> <p>exam [1] - 156:13</p> <p>examination [4] - 11:11, 11:25, 12:1, 13:24</p> <p>EXAMINATION [3] - 15:21, 151:23, 231:3</p> <p>examine [1] - 11:11</p> <p>examining [2] - 11:13, 11:18</p> <p>example [8] - 62:1, 62:7, 84:11, 87:8, 136:20, 140:9, 187:25, 212:14</p> <p>examples [1] - 109:11</p> <p>Excel [1] - 147:24</p> <p>excellence [1] - 172:24</p> <p>Excellence [1] - 101:4</p> <p>except [3] - 13:20, 126:10, 223:12</p> <p>exception [6] - 32:1, 32:24, 131:10, 131:15, 131:24, 132:4</p> <p>exceptional [1] - 22:8</p> <p>excerpt [2] - 19:19, 32:7</p> <p>excess [2] - 179:21, 179:23</p> <p>Excessive [1] - 104:15</p> <p>excessive [2] - 181:20, 182:1</p> <p>exchange [1] - 28:19</p> <p>excise [1] - 103:5</p> <p>excluding [1] - 52:14</p> <p>excuse [7] - 14:7, 25:15, 55:18, 61:12, 79:2, 100:9, 136:2</p> <p>excused [1] - 236:9</p> <p>excuses [1] - 14:11</p> <p>Executive [9] - 154:2, 154:4, 154:7, 154:12, 156:7, 156:8, 227:10, 227:11, 227:12</p> <p>Exhibit [10] - 20:8, 35:20, 46:3, 55:10, 137:5, 137:6, 143:23, 145:5, 190:11, 197:11</p> <p>exhibit [2] - 103:12, 235:10</p>	<p>EXHIBIT [9] - 24:6, 36:23, 55:14, 134:20, 138:1, 142:12, 142:17, 142:25, 147:3</p> <p>exhibits [1] - 121:15</p> <p>exist [3] - 93:7, 111:23, 111:24</p> <p>existed [4] - 107:1, 130:17, 160:13, 213:9</p> <p>existence [2] - 48:10, 93:4</p> <p>existing [5] - 20:22, 34:15, 50:25, 81:16, 173:6</p> <p>expanded [3] - 40:3, 49:7, 49:11</p> <p>expansion [1] - 49:13</p> <p>expect [2] - 31:11, 196:17</p> <p>expectation [2] - 157:24, 159:13</p> <p>expectations [5] - 158:8, 159:1, 159:22, 159:23, 160:2</p> <p>expected [3] - 73:22, 227:1</p> <p>expedite [1] - 21:22</p> <p>expedited [1] - 128:18</p> <p>experience [2] - 91:11, 153:8</p> <p>experienced [1] - 114:14</p> <p>expert [6] - 8:10, 10:12, 11:8, 11:9, 71:21, 111:9</p> <p>experts [7] - 8:8, 9:5, 10:25, 139:12, 143:4, 143:5</p> <p>Explain [1] - 87:20</p> <p>explain [7] - 74:19, 89:12, 107:24, 148:16, 213:4, 227:17, 233:17</p> <p>explained [3] - 157:23, 223:25, 234:9</p> <p>explaining [1] - 164:13</p> <p>explanation [1] - 91:9</p> <p>explanatory [1] - 149:2</p> <p>explore [1] - 13:25</p> <p>express [1] - 227:22</p> <p>expressed [2] - 29:1, 67:9</p> <p>extensive [3] - 195:7, 195:13, 237:21</p>	<p>extent [12] - 26:17, 26:24, 43:4, 80:24, 115:1, 115:21, 129:10, 131:6, 178:11, 206:10, 212:8, 225:22</p> <p>external [2] - 139:11, 139:17</p> <p>extract [1] - 141:21</p> <p>extraordinary [2] - 94:17, 95:2</p> <p>eye [1] - 85:25</p>	<p>F</p> <p>F-a-l-k [1] - 118:22</p> <p>FABER [1] - 1:17</p> <p>Faber [1] - 7:2</p> <p>face [2] - 46:10, 128:22</p> <p>facilitate [1] - 12:7</p> <p>facilities [1] - 211:7</p> <p>facility [7] - 46:12, 71:4, 166:7, 194:9, 228:9, 228:10, 228:11</p> <p>facing [1] - 79:3</p> <p>fact [15] - 8:6, 24:10, 28:13, 31:14, 32:13, 36:3, 74:25, 87:13, 90:8, 125:16, 126:17, 143:9, 145:21, 207:19, 215:10</p> <p>factors [4] - 11:20, 59:24, 84:19, 118:2</p> <p>facts [2] - 7:20, 80:17</p> <p>fail [1] - 115:3</p> <p>failure [8] - 42:2, 42:7, 42:11, 42:21, 42:24, 43:3, 44:20, 48:1</p> <p>failures [1] - 146:25</p> <p>Fair [2] - 109:10, 235:25</p> <p>fair [22] - 13:20, 17:10, 18:8, 19:14, 51:2, 54:19, 55:4, 56:19, 58:21, 66:5, 86:9, 107:11, 107:17, 142:1, 144:10, 148:16, 159:2, 175:3, 193:12, 194:12, 215:7, 218:17</p> <p>fairly [4] - 84:22, 148:14, 195:19, 234:5</p> <p>faith [6] - 29:6, 29:10, 115:4, 120:8, 178:3, 179:1</p>	<p>Falk [2] - 118:22, 120:15</p> <p>fall [1] - 131:9</p> <p>falls [1] - 130:7</p> <p>familiar [3] - 37:24, 162:23, 180:21</p> <p>families [2] - 100:15, 114:15</p> <p>family [8] - 86:13, 86:19, 87:9, 89:20, 149:21, 149:25, 150:1, 213:21</p> <p>far [9] - 14:12, 42:4, 43:2, 46:25, 109:17, 113:23, 124:7, 154:25, 238:8</p> <p>FARRELL [15] - 2:3, 25:15, 27:2, 27:5, 27:9, 31:10, 118:11, 118:14, 126:10, 126:23, 128:8, 237:6, 237:18, 239:5, 239:25</p> <p>Farrell [13] - 2:4, 2:15, 27:1, 27:23, 119:9, 126:9, 237:5, 237:15, 238:4, 238:9, 238:11, 238:23, 239:4</p> <p>fault [3] - 126:3, 221:20, 232:21</p> <p>faulty [1] - 42:12</p> <p>favor [1] - 27:16</p> <p>fax [2] - 57:15, 90:21</p> <p>fax-based [1] - 90:21</p> <p>FCRR [1] - 6:18</p> <p>FDA [1] - 175:16</p> <p>February [9] - 19:3, 20:25, 23:10, 23:12, 50:8, 107:8, 137:12, 210:5, 234:11</p> <p>fee [1] - 111:10</p> <p>fell [1] - 180:24</p> <p>fellow [1] - 239:14</p> <p>felt [6] - 52:19, 54:4, 54:6, 54:21, 66:9, 80:17</p> <p>few [10] - 101:8, 109:11, 151:25, 157:15, 165:9, 177:3, 191:13, 205:10, 209:21, 237:2</p> <p>Field [1] - 168:21</p> <p>field [3] - 51:5, 51:7, 53:20</p> <p>fields [1] - 153:23</p> <p>figure [2] - 77:23, 88:5</p> <p>figuring [1] - 31:4</p> <p>file [7] - 65:6, 92:9,</p>
---	--	--	---	--	---

<p>92:12, 98:18, 99:13, 129:2, 188:1</p> <p>files [13] - 32:7, 114:20, 187:25, 188:3, 213:6, 222:23, 224:4, 224:13, 224:17, 224:20, 224:23, 225:1, 225:20</p> <p>fill [5] - 173:9, 173:10, 173:18, 180:16, 187:22</p> <p>filled [4] - 117:12, 173:19, 211:13, 211:15</p> <p>filling [1] - 113:3</p> <p>final [1] - 99:4</p> <p>finally [2] - 9:21, 10:14</p> <p>financial [1] - 73:8</p> <p>financiers [1] - 104:17</p> <p>findings [3] - 31:14, 130:1, 130:12</p> <p>fine [20] - 15:1, 15:2, 23:4, 23:21, 23:22, 25:21, 26:18, 26:25, 76:3, 103:3, 103:9, 106:15, 118:9, 165:14, 170:16, 170:17, 170:20, 191:17, 238:10</p> <p>finish [1] - 8:19</p> <p>finished [1] - 238:15</p> <p>finite [1] - 126:18</p> <p>Firm [2] - 3:4, 3:7</p> <p>firm [2] - 133:5, 188:15</p> <p>firmly [1] - 226:21</p> <p>First [5] - 7:24, 76:13, 98:6, 103:18, 110:3</p> <p>first [42] - 7:16, 7:24, 8:16, 10:20, 10:21, 11:24, 19:2, 20:10, 21:6, 35:1, 41:21, 42:3, 50:3, 50:15, 71:11, 78:17, 79:5, 80:24, 87:23, 88:4, 97:21, 100:24, 113:2, 119:23, 129:25, 131:7, 132:18, 133:23, 133:24, 149:6, 150:8, 165:24, 166:8, 179:13, 179:25, 233:25, 237:12, 237:23, 238:24</p> <p>firstly [1] - 180:24</p> <p>fit [2] - 8:1, 84:20</p> <p>five [2] - 25:24, 26:11</p> <p>fixed [2] - 56:24, 57:1</p>	<p>FL [1] - 2:14</p> <p>flag [3] - 82:13, 113:19, 114:24</p> <p>flagged [2] - 10:1, 10:5</p> <p>Flaherty [1] - 5:14</p> <p>FLAHIVE [1] - 5:10</p> <p>flavor [1] - 208:24</p> <p>flip [1] - 35:12</p> <p>flipped [1] - 102:1</p> <p>Floor [1] - 3:5</p> <p>Florida [30] - 38:12, 38:13, 41:14, 46:13, 145:10, 145:23, 146:6, 152:10, 152:19, 152:23, 152:25, 153:11, 153:24, 166:12, 228:10, 228:12, 228:18, 229:9, 229:10, 229:14, 231:7, 231:12, 231:13, 231:15, 231:17, 231:18, 231:21, 232:10</p> <p>Florida-Lakeland [1] - 145:10</p> <p>flow [2] - 93:11, 94:5</p> <p>fly [1] - 226:8</p> <p>focus [1] - 232:10</p> <p>focused [1] - 96:10</p> <p>folks [33] - 81:3, 108:16, 139:17, 150:25, 155:16, 161:5, 161:6, 170:25, 172:25, 173:1, 173:3, 173:21, 174:20, 175:23, 176:16, 176:17, 183:11, 183:16, 187:2, 187:13, 187:17, 188:16, 188:22, 192:19, 192:20, 192:21, 192:22, 193:2, 197:23, 206:16</p> <p>follow [9] - 105:3, 107:20, 124:2, 202:5, 214:21, 215:6, 234:8, 235:6, 236:1</p> <p>follow-on [1] - 214:21</p> <p>follow-up [5] - 107:20, 215:6, 234:8, 235:6, 236:1</p> <p>followed [8] - 197:7, 199:1, 199:7, 200:9, 202:8, 203:16, 204:11, 204:23</p>	<p>following [1] - 204:12</p> <p>follows [1] - 7:5</p> <p>FOR [1] - 1:1</p> <p>force [4] - 51:22, 78:11, 78:13, 78:17</p> <p>forcing [1] - 11:16</p> <p>foregoing [1] - 241:4</p> <p>forever [1] - 25:7</p> <p>forfeited [1] - 28:8</p> <p>forget [1] - 93:24</p> <p>form [8] - 21:9, 42:9, 51:24, 162:8, 162:9, 163:22, 175:20, 213:17</p> <p>formed [1] - 212:18</p> <p>former [11] - 120:16, 187:16, 188:17, 188:18, 227:10, 238:16, 238:18, 238:25, 239:18</p> <p>forming [1] - 53:9</p> <p>forms [1] - 196:17</p> <p>formulating [1] - 199:3</p> <p>forth [6] - 26:6, 27:25, 29:17, 85:14, 125:23, 146:20</p> <p>forward [5] - 25:10, 50:13, 164:21, 172:19, 190:18</p> <p>fought [1] - 130:25</p> <p>foundation [33] - 21:1, 21:6, 25:2, 25:3, 27:20, 29:4, 29:7, 29:14, 33:2, 69:9, 101:24, 102:22, 113:25, 118:15, 118:20, 120:9, 126:12, 126:16, 126:17, 126:21, 127:7, 127:10, 127:12, 127:15, 127:25, 128:10, 128:11, 162:9, 166:1, 175:20, 190:3, 191:9, 203:18</p> <p>foundational [1] - 145:8</p> <p>foundationally [1] - 69:1</p> <p>four [7] - 38:10, 38:12, 42:3, 55:1, 166:22, 168:8, 223:13</p> <p>Four [1] - 228:15</p> <p>Fourth [3] - 8:3, 131:13, 132:3</p> <p>fourth [2] - 8:13, 120:10</p> <p>frame [11] - 17:6, 67:25, 76:17, 78:6,</p>	<p>85:9, 85:20, 93:2, 96:16, 204:9, 204:12, 222:11</p> <p>frames [1] - 25:14</p> <p>framework [8] - 94:3, 94:24, 187:18, 189:4, 189:5, 196:16, 197:23, 199:3</p> <p>franchise [3] - 110:16, 111:6, 111:9</p> <p>franchisee [1] - 111:25</p> <p>franchisees [5] - 111:4, 111:9, 111:20, 112:4, 112:7</p> <p>franchises [1] - 111:8</p> <p>franchisor [1] - 111:9</p> <p>frankly [4] - 69:12, 226:12, 226:25, 227:3</p> <p>fraud [1] - 188:19</p> <p>free [3] - 25:10, 146:2, 236:15</p> <p>frequency [9] - 74:9, 74:12, 74:20, 74:24, 75:3, 75:8, 75:24, 135:15</p> <p>Fresno [1] - 110:5</p> <p>Friday [1] - 238:21</p> <p>front [13] - 34:23, 78:16, 78:18, 78:19, 137:7, 148:2, 190:10, 197:9, 201:23, 202:18, 210:1, 212:24</p> <p>FTI [2] - 130:4, 130:18</p> <p>fulfill [1] - 27:13</p> <p>Full [1] - 225:20</p> <p>full [7] - 36:1, 54:1, 155:4, 175:6, 175:7, 225:18</p> <p>full-time [1] - 54:1</p> <p>Fuller [74] - 2:4, 2:15, 14:10, 15:11, 15:17, 15:20, 20:16, 21:3, 21:9, 21:19, 22:3, 22:22, 23:13, 24:4, 25:6, 25:16, 25:22, 25:24, 26:4, 30:17, 33:2, 33:10, 34:8, 34:11, 35:18, 38:3, 38:19, 44:22, 45:14, 47:1, 47:17, 58:11, 61:12, 66:14, 69:4, 70:21, 71:7, 71:13, 94:6, 96:23, 103:6, 110:23, 114:2, 117:5, 118:5, 133:19, 145:25,</p>	<p>151:6, 156:21, 161:16, 161:17, 162:15, 162:19, 165:3, 165:9, 170:17, 170:19, 170:21, 174:6, 174:8, 175:1, 176:6, 177:3, 183:4, 184:14, 190:8, 205:4, 205:11, 214:13, 226:19, 228:4, 230:23, 235:24, 236:4</p> <p>FULLER [161] - 2:15, 14:9, 14:15, 14:20, 15:8, 15:19, 15:22, 17:12, 17:16, 20:7, 22:24, 23:18, 24:14, 24:24, 25:9, 25:12, 25:19, 25:25, 26:10, 33:6, 33:11, 33:12, 33:15, 33:16, 33:20, 33:23, 34:9, 34:12, 35:19, 36:22, 36:24, 37:3, 37:4, 38:20, 38:24, 39:3, 39:4, 41:7, 44:23, 45:1, 45:15, 45:16, 46:1, 46:2, 46:6, 46:22, 47:3, 47:6, 47:18, 48:8, 49:20, 49:23, 49:24, 53:19, 55:9, 55:12, 55:15, 55:17, 55:23, 55:25, 58:8, 58:13, 58:15, 61:14, 61:17, 61:18, 66:12, 66:22, 68:11, 68:13, 69:5, 69:6, 69:12, 69:19, 70:11, 70:15, 71:8, 71:9, 71:17, 72:15, 72:20, 76:4, 78:9, 94:7, 94:9, 96:24, 97:1, 100:19, 100:21, 101:20, 102:4, 102:19, 103:8, 103:14, 104:25, 106:11, 106:18, 106:23, 107:3, 111:2, 113:16, 114:5, 117:8, 117:9, 118:8, 133:18, 133:20, 134:17, 134:21, 137:22, 138:2, 142:4, 142:13, 142:18, 143:1, 143:21, 145:3, 146:1, 146:22, 146:25, 147:4, 147:23, 147:25, 149:16, 149:17,</p>
--	--	---	--	--

<p>151:1, 151:5, 161:11, 162:8, 163:12, 166:1, 169:12, 170:20, 175:20, 190:2, 190:21, 197:12, 198:9, 199:12, 200:14, 201:19, 202:14, 203:17, 203:24, 205:5, 209:16, 210:13, 214:1, 215:22, 217:2, 230:24, 231:1, 231:4, 232:25, 233:7, 235:3, 235:12, 235:25, 236:5, 236:10, 239:9</p> <p>Fuller's [1] - 48:4 function [3] - 13:9, 109:17, 146:8 functionality [1] - 188:16 functioning [2] - 68:7, 138:4 fundamental [1] - 7:19 fundamentally [1] - 120:20 furthermore [1] - 125:19</p>	<p>165:7 geographical [1] - 39:6 George [5] - 28:5, 28:11, 73:2, 73:3, 73:4 Georgia [3] - 9:17, 10:16, 113:4 Giacalone [11] - 18:3, 18:5, 18:6, 18:10, 18:11, 35:5, 35:10, 37:11, 37:12, 50:4, 50:13 Gilberto [7] - 106:1, 106:3, 106:5, 106:8, 106:9, 171:5, 214:25 Gina [2] - 55:23, 149:16 given [13] - 13:17, 54:1, 72:5, 114:21, 131:25, 132:7, 132:14, 159:18, 185:25, 206:13, 236:24, 239:20 globally [1] - 169:15 goal [3] - 154:23, 154:25, 155:1 goals [1] - 54:20 governing [1] - 8:8 graduated [1] - 152:10 great [1] - 94:10 GRETCHEN [1] - 6:7 grew [1] - 233:17 grocery [1] - 205:18 ground [5] - 13:6, 78:16, 127:19, 164:4, 164:15 grounds [8] - 9:21, 28:22, 35:25, 36:7, 46:9, 126:14, 127:3, 204:9 group [3] - 68:3, 134:14, 189:9 Group [2] - 18:12, 134:16 grouped [2] - 60:3, 172:24 grow [1] - 182:19 growth [6] - 88:8, 109:5, 114:14, 114:19, 114:23, 233:21 guarantee [1] - 206:21 guard [1] - 194:22 guess [1] - 51:2 guidance [7] - 34:18, 73:17, 93:12, 93:18, 168:24, 202:3, 207:6 guidelines [1] - 32:6 guiding [1] - 12:19</p>	<p>guy [2] - 150:24, 226:18 guys [5] - 87:1, 139:21, 139:22, 147:13, 231:13</p> <p style="text-align: center;">H</p> <p>half [1] - 132:25 half-hour [1] - 132:25 hand [6] - 8:20, 135:1, 137:12, 137:15, 200:23, 212:14 handed [1] - 17:23 handing [2] - 133:21, 143:22 handle [3] - 15:12, 21:10, 122:7 handled [1] - 172:7 handlers [3] - 94:12, 94:14, 95:1 happy [5] - 30:24, 31:3, 103:7, 166:15, 170:13 harassment [1] - 11:21 hard [3] - 14:17, 43:14, 152:13 Hardin [2] - 119:4, 119:6 hardin [1] - 130:21 HARDIN [12] - 5:3, 119:5, 119:17, 119:21, 121:5, 121:8, 126:25, 127:17, 129:19, 129:21, 130:22, 133:10 harm [2] - 170:5, 173:16 Hartman [8] - 54:16, 55:18, 73:9, 106:6, 108:20, 108:21, 171:5, 171:12 Hartman/Gilberto [1] - 171:7 Hawkins [1] - 3:7 head [5] - 70:6, 193:22, 230:4, 230:12, 236:3 Head [3] - 159:25, 162:23, 164:23 heading [1] - 204:16 headquarters [2] - 79:2, 219:25 heads [1] - 92:15 Health [109] - 4:11, 5:2, 19:3, 19:5, 19:16, 28:1, 28:3, 28:7, 28:14, 28:16,</p>	<p>28:17, 29:2, 39:9, 55:6, 73:5, 82:6, 105:20, 110:17, 111:14, 119:6, 119:9, 120:16, 126:19, 130:10, 133:12, 146:3, 146:5, 147:20, 152:5, 154:13, 156:23, 157:9, 158:25, 160:1, 160:7, 160:25, 162:5, 163:21, 163:23, 164:24, 165:19, 165:25, 167:5, 167:9, 167:14, 167:24, 168:3, 168:13, 168:16, 169:3, 169:8, 170:24, 175:4, 175:6, 175:9, 175:13, 175:18, 178:18, 179:7, 179:20, 179:22, 179:25, 180:1, 180:6, 180:13, 180:15, 180:20, 181:9, 181:19, 181:25, 183:10, 189:15, 189:19, 192:4, 192:16, 193:14, 193:20, 193:23, 194:21, 195:25, 197:7, 199:7, 205:13, 206:1, 208:1, 208:7, 212:7, 217:6, 217:9, 217:13, 217:17, 218:1, 218:4, 218:15, 219:2, 219:4, 219:13, 219:14, 220:19, 220:23, 222:12, 227:18, 227:25, 228:9, 228:17, 230:9, 230:12, 234:24, 236:22 health [7] - 79:10, 79:12, 79:16, 79:19, 155:19, 217:9, 226:20 Health's [9] - 18:12, 131:18, 159:25, 163:10, 181:17, 181:23, 193:7, 206:3, 219:10 Healthcare's [1] - 130:2 hear [4] - 30:4, 123:1, 127:1, 146:22</p>	<p>heard [5] - 11:13, 41:11, 41:12, 132:19, 233:15 hearing [1] - 43:15 hearsay [47] - 20:14, 20:22, 24:23, 31:21, 31:22, 32:2, 32:15, 32:22, 35:25, 36:1, 36:7, 38:6, 43:7, 44:16, 44:19, 44:21, 45:13, 46:6, 46:9, 68:20, 69:23, 69:25, 70:2, 70:8, 106:14, 106:22, 121:2, 121:6, 121:17, 121:18, 122:24, 126:14, 127:2, 128:3, 128:6, 129:3, 129:24, 130:5, 130:6, 130:14, 131:10, 132:13, 132:15, 146:14, 214:7 held [7] - 57:3, 57:20, 155:23, 171:25, 172:3, 186:3, 224:22 Help [1] - 234:13 help [7] - 52:20, 71:24, 107:24, 121:23, 198:21, 200:5, 226:23 helped [5] - 147:17, 155:10, 182:22, 190:20, 196:10 Henderson [1] - 73:7 hereby [1] - 118:23 HESTER [9] - 5:9, 24:8, 32:11, 35:24, 36:14, 43:7, 44:4, 125:15, 230:20 Hester [4] - 24:7, 36:12, 43:6, 125:14 high [10] - 152:22, 175:8, 175:10, 178:8, 178:10, 183:8, 184:17, 192:7, 192:8, 195:4 himself [2] - 7:22, 12:1 HIPAA [2] - 89:16, 217:16 hire [1] - 154:2 hired [9] - 68:1, 130:10, 133:12, 188:17, 188:18, 188:23 historical [2] - 88:20, 213:22 history [4] - 105:5, 185:12, 210:25,</p>
<p style="text-align: center;">G</p> <p>gain [2] - 38:4, 98:8 game [1] - 239:15 gaps [1] - 51:21 Gather [1] - 98:1 gather [2] - 80:22, 87:10 gathered [2] - 80:21, 183:19 gathering [1] - 183:5 general [8] - 7:17, 7:22, 7:24, 11:3, 11:5, 73:22, 146:7, 235:21 General [3] - 120:16, 153:15, 154:15 General's [1] - 153:12 generally [6] - 56:5, 56:7, 58:16, 166:25, 202:2, 207:1 generated [2] - 89:15, 221:12 generic [1] - 191:7 geographic [10] - 38:8, 38:15, 46:9, 109:20, 113:10, 141:16, 145:9, 146:15, 146:18,</p>				

<p>217:18 History [1] - 90:3 hit [7] - 88:1, 88:4, 99:2, 135:8, 135:10, 135:11, 236:3 hold [4] - 176:5, 177:12, 178:15, 221:17 holding [1] - 238:14 hole [3] - 107:21, 112:18, 214:16 holistic [2] - 183:9, 183:17 home [2] - 8:20, 8:22 homes [1] - 211:7 Honor [218] - 7:8, 8:2, 8:13, 9:14, 10:14, 11:2, 13:16, 13:24, 14:5, 14:6, 14:9, 15:1, 15:16, 17:14, 20:7, 20:9, 20:20, 21:5, 21:7, 21:13, 21:21, 21:25, 22:3, 22:13, 22:22, 22:24, 23:9, 23:22, 24:2, 24:8, 24:20, 25:21, 26:3, 26:10, 26:13, 30:5, 30:8, 31:20, 32:11, 32:25, 33:11, 33:21, 34:9, 35:19, 35:24, 36:6, 36:14, 36:21, 36:22, 37:25, 38:16, 38:20, 41:7, 41:10, 41:19, 42:17, 43:7, 43:11, 43:18, 44:3, 44:4, 44:13, 44:15, 45:7, 45:8, 45:15, 45:23, 46:8, 46:14, 47:3, 47:12, 47:18, 48:3, 48:7, 49:21, 53:16, 55:9, 55:11, 65:20, 68:16, 69:12, 69:13, 69:21, 70:4, 70:19, 70:25, 71:5, 71:8, 72:15, 72:18, 78:4, 101:20, 101:23, 102:21, 103:13, 106:11, 106:14, 110:22, 113:9, 117:3, 119:5, 119:13, 119:18, 120:20, 121:5, 121:15, 121:19, 121:25, 122:5, 124:4, 124:22, 125:13, 125:15, 126:23, 126:25, 127:5, 128:4, 128:5, 129:19, 129:23, 130:4, 130:6,</p>	<p>130:22, 132:16, 132:17, 133:3, 133:4, 133:9, 133:10, 134:17, 134:18, 137:22, 137:24, 142:4, 142:7, 142:13, 142:15, 142:20, 142:23, 145:3, 145:6, 145:18, 146:1, 146:13, 146:23, 151:1, 151:5, 151:8, 151:12, 151:18, 161:11, 161:14, 162:8, 162:11, 163:15, 164:4, 164:8, 165:6, 165:13, 169:14, 169:22, 170:1, 170:9, 170:13, 170:16, 173:11, 173:14, 182:3, 182:25, 190:6, 191:2, 191:10, 191:12, 191:17, 197:10, 197:14, 198:3, 198:7, 198:9, 199:9, 199:12, 199:15, 200:11, 201:16, 201:19, 202:15, 203:17, 204:8, 204:25, 205:5, 209:13, 210:10, 210:13, 213:23, 214:1, 215:18, 215:21, 215:22, 216:24, 217:2, 217:3, 222:16, 228:3, 230:20, 230:21, 235:16, 236:8, 236:10, 236:11, 236:16, 236:19, 238:3, 238:16, 239:9, 239:11, 239:16, 240:8 HONORABLE [1] - 1:17 Honorable [1] - 7:1 hope [1] - 230:24 hopes [1] - 23:13 Hospice [3] - 98:6, 98:17, 185:14 hospices [1] - 211:7 hospital [7] - 59:12, 81:4, 99:8, 175:11, 185:1, 186:22 hospitals [1] - 59:24 host [1] - 109:13</p>	<p>hot [4] - 107:21, 110:3, 110:5, 112:16 hour [2] - 132:25, 239:25 housed [2] - 137:1, 206:23 humble [1] - 29:25 hundred [1] - 62:3 hundreds [1] - 231:24 HUNTINGTON [1] - 1:4 Huntington [40] - 3:10, 4:1, 28:4, 38:14, 41:16, 41:21, 41:22, 41:23, 42:4, 42:7, 42:9, 42:11, 42:13, 42:15, 42:16, 43:2, 46:17, 63:16, 63:24, 110:20, 114:7, 114:9, 114:12, 116:12, 145:12, 145:22, 148:6, 149:9, 149:20, 150:12, 164:8, 180:7, 180:14, 181:20, 182:1, 209:25, 214:15, 216:10, 237:19, 241:6 Huntington-Cabell [1] - 148:6 Hurricane [1] - 237:18 hydrocodone [3] - 10:4, 60:11, 86:23</p>	<p>195:22, 197:17, 198:19, 199:17, 201:11, 201:24, 202:19, 208:6, 210:2, 216:4, 221:20, 221:24, 228:22 identifying [2] - 95:2, 220:23 II [1] - 60:13 IIIs [2] - 181:7, 181:14 IIs [2] - 181:7, 181:14 illegitimate [2] - 116:24, 117:2 illiterate [1] - 15:11 illustrate [1] - 109:11 ILR [13] - 40:13, 40:16, 40:18, 40:21, 48:23, 160:15, 160:16, 160:17, 160:18, 160:19, 160:22, 164:1 ILRs [2] - 161:3, 161:15 imagine [1] - 170:2 immediate [3] - 40:3, 138:23, 165:24 Immediate [3] - 16:16, 67:10, 107:7 immediately [1] - 124:13 impact [2] - 99:20, 99:21 implement [3] - 57:10, 77:7, 195:22 implementation [5] - 66:23, 91:3, 158:12, 159:3, 222:22 implemented [6] - 49:5, 80:14, 86:21, 138:24, 154:21, 197:25 implementing [2] - 73:21, 160:8 implicate [1] - 120:22 implicated [1] - 42:10 important [6] - 8:15, 81:20, 83:22, 209:7, 211:9, 211:10 imposed [1] - 147:21 impossible [1] - 179:22 impression [2] - 119:17, 224:5 improve [2] - 67:19, 90:22 improved [4] - 54:21, 139:1, 139:2 improvement [8] - 51:19, 87:14, 109:7,</p>	<p>109:9, 165:1, 213:6, 213:13, 226:13 improvements [4] - 67:23, 143:8, 226:3, 226:12 improving [1] - 109:8 IN [2] - 1:1, 1:18 in-process [1] - 48:17 inadmissible [1] - 8:9 include [4] - 30:20, 80:23, 122:12, 193:8 included [5] - 27:20, 32:7, 104:5, 196:7, 208:8 includes [3] - 20:13, 72:23, 79:25 including [6] - 29:14, 105:15, 118:20, 119:8, 121:17, 225:20 Including [1] - 104:8 inconsistent [2] - 51:4, 51:14 inconvenience [1] - 239:14 incorrect [2] - 65:9, 119:21 increase [4] - 98:10, 98:23, 98:24, 100:1 increased [2] - 100:7, 100:9 increases [1] - 233:11 increasing [3] - 97:10, 97:13, 100:4 inculpate [1] - 29:25 indefinitely [1] - 225:2 independent [12] - 19:11, 86:24, 102:13, 111:24, 112:7, 112:12, 150:14, 188:3, 196:22, 206:9, 206:14, 233:13 independently [2] - 127:23, 128:2 independents [4] - 185:17, 206:5, 207:7, 207:23 indicate [2] - 55:4, 70:22 indicated [4] - 68:19, 172:21, 173:23, 224:6 indicating [1] - 219:3 indirect [1] - 11:24 indiscriminate [1] - 104:8 individual [16] - 39:17, 40:23, 45:2, 82:5, 86:20, 128:24,</p>
---	---	--	---	--

<p>147:9, 185:5, 185:18, 188:20, 201:5, 206:24, 217:6, 222:23 individualized [3] - 185:3, 185:7 individuals [12] - 37:7, 37:9, 52:21, 54:9, 106:2, 147:20, 172:24, 174:7, 176:12, 198:1, 198:16, 233:19 indulge [1] - 26:8 Industry [1] - 157:15 infer [1] - 90:7 inform [4] - 28:16, 181:18, 181:24, 194:18 information [77] - 34:5, 46:16, 67:22, 80:20, 80:22, 81:4, 81:5, 81:10, 81:12, 81:15, 82:8, 82:10, 82:19, 83:8, 83:22, 83:23, 84:11, 84:13, 85:13, 87:10, 88:3, 89:22, 90:11, 91:11, 92:13, 92:22, 92:24, 92:25, 98:1, 101:9, 109:14, 109:15, 130:1, 141:21, 155:20, 155:21, 174:17, 181:12, 183:5, 183:18, 185:10, 185:25, 186:17, 187:3, 187:23, 187:24, 206:11, 206:15, 206:16, 206:18, 206:19, 206:20, 206:21, 207:2, 208:19, 212:7, 212:9, 213:10, 213:14, 213:16, 213:17, 213:18, 213:21, 217:9, 217:13, 217:21, 217:22, 218:1, 218:4, 218:19, 218:23, 218:24, 219:3, 221:8, 224:10, 225:1 Ingredient [4] - 40:7, 138:16, 138:17, 160:19 inhalers [1] - 175:10 initial [11] - 58:22, 61:3, 82:20, 83:5, 84:25, 88:6, 130:1, 138:14, 138:21,</p>	<p>183:20, 185:6 initiative [2] - 34:1, 34:22 initiatives [1] - 33:18 input [1] - 93:13 inquire [4] - 90:13, 115:15, 115:17, 143:11 inquiry [9] - 58:22, 88:6, 113:15, 115:1, 116:4, 116:23, 117:21, 144:18, 187:19 INSERT [1] - 119:2 inside [2] - 75:20, 106:19 insist [2] - 29:19, 238:7 insists [1] - 22:10 insofar [2] - 32:22, 43:4 inspection [4] - 16:10, 16:12, 45:18, 225:16 inspections [6] - 174:22, 225:4, 225:6, 225:7, 225:17, 229:17 inspectors [3] - 188:18, 188:19, 227:14 instance [4] - 113:17, 128:1, 154:15, 208:11 instances [6] - 43:1, 95:16, 96:7, 99:2, 99:3, 108:6 instead [2] - 122:15, 206:13 instructed [1] - 224:25 insufficient [1] - 129:13 intake [1] - 173:1 integrate [1] - 218:15 integrated [1] - 224:2 integrating [1] - 40:15 Integrity [1] - 53:1 integrity [1] - 54:11 intend [1] - 118:23 intending [1] - 8:7 intent [5] - 87:16, 87:19, 87:21, 87:25, 88:8 intention [1] - 237:6 interact [1] - 217:24 interactive [1] - 78:21 interesting [1] - 187:12 interfere [1] - 240:3 internal [3] - 144:18, 146:11</p>	<p>internally [1] - 216:16 internet [3] - 82:23, 167:3, 167:6 interrelated [1] - 10:7 interrupt [5] - 21:7, 33:1, 75:25, 93:11, 94:7 interrupted [1] - 94:5 interview [2] - 68:8, 68:10 interviewed [4] - 68:6, 144:20, 144:23, 145:19 introduce [1] - 118:16 introduction [1] - 43:9 inventory [1] - 225:12 investigate [1] - 130:11 investigation [7] - 50:25, 51:2, 88:10, 144:15, 146:2, 146:11, 188:12 Investigations [1] - 174:14 investigations [9] - 50:16, 68:5, 158:15, 187:14, 188:9, 192:2, 202:1, 202:4, 202:20 investigative [3] - 187:12, 187:13, 229:8 Investigative [1] - 144:2 investigator [6] - 106:19, 187:22, 212:10, 216:7, 216:8, 225:25 Investigators [3] - 19:15, 19:17, 19:19 investigators [11] - 53:5, 187:15, 187:16, 188:16, 188:23, 202:5, 220:8, 223:24, 225:8, 229:8, 234:17 investigatory [2] - 91:21, 92:5 Investigatory [1] - 174:18 invitations [1] - 209:2 invited [2] - 208:25, 209:1 invoke [2] - 43:19, 129:13 involve [7] - 183:4, 187:8, 194:24, 195:1, 220:14, 220:19, 230:1 Involved [1] - 234:23</p>	<p>involved [18] - 39:16, 45:21, 50:10, 72:9, 131:16, 167:1, 171:14, 183:10, 183:11, 183:12, 183:13, 192:10, 202:3, 228:9, 228:10, 234:20, 234:25 involvement [2] - 94:11, 200:18 Irpino [1] - 3:7 irrelevant [1] - 70:25 ISIA [1] - 5:4 ISO [1] - 232:19 isolated [1] - 42:3 ISOs [2] - 16:10, 16:14 issue [31] - 29:21, 42:22, 42:23, 43:3, 44:20, 46:19, 48:1, 67:4, 67:15, 77:23, 79:22, 107:11, 107:12, 107:14, 113:7, 116:16, 119:11, 119:24, 121:23, 124:12, 167:18, 168:8, 169:23, 194:12, 231:12, 231:15, 234:7, 234:21, 234:23, 235:13, 236:12 issued [1] - 107:8 issues [16] - 8:3, 9:16, 9:20, 22:5, 29:7, 29:13, 52:4, 110:1, 118:19, 120:8, 120:13, 120:20, 122:24, 127:1, 153:21, 231:6 IT [4] - 147:20, 150:24, 150:25, 175:2 item [1] - 179:13 iteration [1] - 213:12 itself [8] - 74:25, 75:9, 75:14, 75:19, 84:21, 89:6, 159:21, 232:24</p>	<p>166:13 Jesse [1] - 236:22 job [2] - 7:7, 65:17 Jodi [4] - 234:18, 234:19, 234:24, 235:19 Joe [4] - 17:19, 20:1, 20:14, 160:6 JOSEPH [1] - 6:4 JR [2] - 2:3, 2:15 Juan [2] - 2:5, 2:17 judge [8] - 8:5, 23:18, 24:14, 27:2, 29:16, 46:6, 46:22, 66:12 JUDGE [1] - 1:17 Judge [44] - 7:2, 9:17, 14:11, 14:23, 15:8, 24:24, 25:9, 25:12, 25:15, 25:19, 25:25, 31:10, 33:7, 39:3, 44:23, 68:11, 69:5, 69:20, 70:15, 94:7, 100:19, 102:19, 103:8, 106:18, 106:23, 118:8, 118:11, 128:8, 129:9, 162:9, 163:12, 166:1, 170:20, 190:2, 190:21, 197:12, 209:16, 230:24, 232:25, 235:3, 235:12, 235:25, 236:5, 239:6 July [2] - 136:2, 136:20 June [11] - 9:18, 9:19, 107:4, 113:22, 134:4, 135:21, 136:15, 140:18, 216:1, 216:18 jurisdiction [1] - 232:15 jurisdictions [1] - 180:11 Jurisprudence [1] - 156:11 jury [1] - 170:6 justification [2] - 13:13, 98:5 justified [3] - 64:24, 99:23, 100:13 justify [1] - 100:4</p>
J				
<p>Jackson [1] - 6:8 January [7] - 37:12, 113:3, 113:23, 114:13, 166:17, 166:18, 234:11 JASIEWICZ [1] - 5:4 Jeff [1] - 73:7 JEFFREY [1] - 5:13 JENNIFER [1] - 4:12 Jersey [2] - 41:15,</p>				
K				
<p>K-Mart [3] - 205:23, 205:24 KASPER [1] - 154:20 Kave [12] - 236:22,</p>				

<p>237:2, 237:7, 237:11, 237:16, 237:18, 237:23, 238:7, 238:10, 238:12, 238:24, 239:7</p> <p>Kearse [1] - 43:18 KEARSE [4] - 4:2, 43:11, 43:16, 44:2 keep [11] - 14:4, 45:12, 78:24, 80:1, 100:11, 114:13, 148:12, 150:25, 177:8, 196:24, 226:2 keeping [1] - 99:12 Kelly [1] - 6:8 Kentucky [5] - 154:1, 154:17, 154:22, 155:22, 156:7 kept [2] - 139:24, 183:20 Kessler [1] - 4:17 key [2] - 50:16, 52:24 kick [2] - 73:2, 188:7 kick-off [1] - 73:2 kicked [3] - 186:12, 187:7, 212:22 kicks [1] - 200:2 kind [5] - 70:7, 94:2, 99:14, 205:18, 227:10 kinds [1] - 124:1 knowing [2] - 59:22, 87:24 knowledge [55] - 17:22, 19:11, 20:5, 22:25, 23:6, 31:12, 31:15, 32:19, 36:19, 38:7, 46:7, 46:23, 50:22, 69:20, 69:24, 70:2, 70:23, 73:22, 79:18, 91:11, 111:24, 112:3, 112:6, 114:2, 116:15, 128:15, 150:11, 150:14, 163:13, 163:17, 167:17, 168:11, 168:14, 169:3, 175:22, 179:20, 180:6, 180:9, 180:13, 186:10, 189:19, 192:17, 194:5, 197:6, 199:6, 199:8, 200:8, 200:10, 202:8, 202:10, 203:16, 207:17, 221:24, 224:25, 235:6 known [8] - 26:5, 49:4,</p>	<p>113:7, 113:18, 113:22, 154:5, 180:15, 226:25 knows [2] - 97:21, 194:16 KOUBA [1] - 3:14 Kroger [2] - 205:15, 205:17 KYC [1] - 198:1</p> <p style="text-align: center;">L</p> <p>LA [1] - 3:8 lack [8] - 55:19, 69:23, 118:15, 120:4, 121:13, 127:9, 144:17, 197:5 lacks [1] - 120:24 laid [8] - 21:2, 25:3, 38:15, 41:7, 41:19, 97:2, 102:22, 190:3 Lakeland [18] - 16:16, 41:14, 46:12, 47:14, 47:15, 47:23, 48:6, 53:10, 107:8, 109:6, 145:10, 145:22, 146:6, 166:12, 228:10, 230:1, 232:19 lane [2] - 226:23, 226:24 language [4] - 124:12, 159:20, 159:21, 167:3 Lanier [1] - 3:4 laptop [2] - 226:10 large [3] - 37:16, 60:1, 108:11 last [23] - 13:18, 19:25, 26:6, 35:21, 47:3, 47:5, 52:6, 92:1, 101:2, 123:5, 134:2, 136:8, 142:5, 156:5, 173:12, 197:1, 197:3, 198:11, 199:22, 202:21, 233:11, 234:7, 235:12 LAURA [1] - 5:10 law [5] - 31:14, 132:3, 133:5, 153:4, 156:13 LAW [1] - 26:15 Law [4] - 3:4, 3:7, 3:12, 152:11 laws [1] - 89:16 lawyer [9] - 21:16, 22:8, 43:24, 43:25, 131:16, 131:19, 133:7, 164:6, 235:8 lawyer's [1] - 131:14</p>	<p>lawyers [2] - 9:10, 9:11 lay [1] - 38:21 laying [3] - 12:8, 27:20, 110:25 lead [1] - 182:23 leading [1] - 173:11 leaf [1] - 79:5 learned [3] - 27:24, 101:2, 126:16 least [14] - 62:9, 86:10, 107:15, 113:22, 113:23, 113:24, 116:25, 130:4, 138:12, 154:25, 163:17, 204:22, 238:4, 239:21 leave [3] - 118:12, 240:1, 240:7 leaves [1] - 11:19 leaving [1] - 20:13 led [2] - 139:14, 182:16 Lee [1] - 3:12 leeway [1] - 13:24 left [8] - 7:21, 16:15, 34:6, 44:22, 119:18, 135:1, 137:15, 204:22 left-hand [2] - 135:1, 137:15 legal [8] - 18:4, 131:18, 131:24, 132:6, 162:12, 164:12, 164:14 Legal [1] - 18:12 legend [2] - 179:11, 179:12 legitimate [8] - 13:6, 98:3, 98:9, 115:5, 178:4, 179:2, 180:16, 230:15 Leon [2] - 2:4, 2:16 less [1] - 239:25 letter [26] - 17:19, 17:20, 17:22, 19:2, 19:5, 19:9, 19:16, 20:1, 20:17, 20:19, 20:24, 20:25, 23:10, 23:22, 23:24, 24:4, 30:21, 31:7, 71:3, 129:25, 160:3, 160:4, 160:5, 169:1, 235:4, 235:18 letterhead [1] - 19:23 letters [9] - 17:18, 20:14, 20:20, 25:1, 26:17, 37:19, 131:11, 160:1,</p>	<p>160:10 letting [1] - 10:23 level [12] - 152:22, 153:5, 175:9, 175:10, 178:8, 178:10, 183:8, 184:18, 192:7, 192:8, 195:4, 206:24 Levin [1] - 2:12 LEYIMU [1] - 4:8 liability [1] - 168:12 license [11] - 66:25, 81:1, 81:2, 81:13, 81:14, 116:7, 156:15, 194:4, 194:6, 213:17, 225:7 licensed [3] - 153:23, 180:8, 228:25 licensing [6] - 111:16, 111:19, 111:21, 112:1, 172:7, 172:13 licensure [2] - 174:1 likely [8] - 19:13, 63:10, 92:25, 114:22, 144:24, 149:12, 185:19, 211:11 limine [1] - 38:18 Limit [4] - 40:7, 138:16, 138:17, 160:20 limit [4] - 56:18, 56:23, 63:20, 149:2 limited [15] - 20:21, 23:6, 24:13, 32:1, 32:19, 36:13, 36:15, 36:19, 39:6, 52:8, 70:3, 109:20, 123:10, 128:9, 185:25 limits [4] - 193:14, 193:15, 193:16, 198:20 LINDA [1] - 4:5 Linden [6] - 19:23, 28:6, 105:25, 106:2, 106:6, 215:1 line [14] - 45:24, 71:23, 78:16, 78:17, 78:18, 78:19, 78:20, 110:25, 129:25, 172:4, 172:5, 175:6, 175:7, 233:24 lines [1] - 233:25 Lisa [2] - 6:18, 241:3 List [3] - 94:18, 94:21, 95:2 list [7] - 112:21, 122:18, 122:21, 122:22, 124:18,</p>	<p>124:19, 126:8 listed [4] - 99:4, 112:15, 197:1, 203:4 listing [3] - 121:15, 122:16, 234:1 lists [1] - 81:16 literature [1] - 167:2 litigants [2] - 28:9, 28:10 litigating [1] - 13:12 live [4] - 31:17, 123:17, 238:11 lives [1] - 237:18 LLC [1] - 2:4 local [4] - 147:10, 161:5, 208:18, 233:13 locally [1] - 147:11 located [5] - 53:9, 84:7, 84:23, 186:20, 209:25 Location [1] - 98:22 location [3] - 84:20, 87:12, 207:3 Logan [2] - 6:5, 6:12 logic [1] - 111:25 long-term [2] - 59:12, 211:7 look [58] - 19:1, 33:25, 37:18, 37:19, 46:10, 54:24, 74:24, 75:2, 81:23, 91:12, 91:19, 108:6, 108:8, 113:21, 115:20, 115:24, 117:21, 132:21, 135:1, 136:15, 137:11, 137:15, 139:17, 141:15, 148:3, 156:2, 170:15, 173:25, 185:14, 185:15, 186:16, 186:17, 186:19, 186:21, 187:21, 190:19, 198:18, 202:6, 208:5, 210:17, 210:24, 212:4, 212:13, 212:22, 214:12, 214:22, 216:3, 225:12, 231:17, 232:5, 232:11, 232:13, 233:11, 234:3, 235:23 lookback [1] - 134:23 looked [15] - 87:6, 95:17, 98:25, 108:9, 123:12, 124:10, 143:8, 185:12, 185:13, 185:23,</p>
---	--	---	--	--

<p>202:21, 205:25, 220:17, 224:20, 229:11 looking [13] - 38:3, 64:13, 74:25, 75:21, 76:14, 109:21, 144:25, 145:2, 149:5, 191:20, 206:22, 207:2, 224:5 looks [6] - 42:19, 135:19, 137:16, 214:7, 225:16, 240:11 loop [1] - 192:12 lost [1] - 131:1 lower [1] - 207:17 lowered [1] - 207:19 lowering [1] - 201:2 luck [1] - 142:14 lunch [2] - 119:9, 122:6 LV [6] - 107:22, 107:25, 108:11, 109:3, 109:18, 109:19 LV-TAC [5] - 107:22, 107:25, 109:3, 109:18, 109:19</p>	<p>30:5, 31:20, 32:25, 36:6, 36:21, 37:25, 41:10, 44:15, 45:8, 45:23, 46:8, 47:12, 48:3, 48:6, 53:15, 55:11, 58:10, 58:14, 61:12, 61:15, 68:16, 69:9, 69:21, 70:4, 70:19, 71:13, 72:18, 78:4, 96:20, 101:23, 102:21, 103:3, 106:14, 110:22, 113:9, 113:25, 117:3, 133:3, 134:18, 137:24, 142:7, 142:15, 142:20, 142:23, 143:16, 145:6, 145:17, 146:13, 151:8, 151:15, 151:18, 151:19, 151:24, 156:18, 156:20, 161:14, 161:22, 161:23, 162:10, 162:15, 162:18, 163:14, 163:18, 164:19, 165:6, 165:13, 165:16, 166:6, 169:9, 169:13, 169:22, 170:13, 170:16, 170:19, 170:21, 170:22, 173:13, 173:20, 175:24, 176:10, 177:13, 177:16, 177:20, 178:5, 182:3, 182:11, 183:1, 190:5, 190:9, 191:2, 191:12, 191:17, 191:18, 194:19, 197:10, 197:14, 197:16, 198:2, 198:7, 198:12, 199:9, 199:13, 199:15, 199:16, 200:11, 200:17, 200:21, 200:22, 201:16, 201:22, 202:11, 202:17, 204:15, 204:25, 205:7, 209:13, 209:19, 209:20, 210:10, 210:16, 211:22, 213:23, 214:4, 214:8, 214:10, 215:18, 215:24, 216:24, 217:5, 222:20, 228:3, 228:7, 230:17,</p>	<p>232:23, 235:16, 236:8, 236:11, 236:19, 237:11, 237:13, 238:3, 238:16, 239:10, 239:16, 240:8 maintain [12] - 44:16, 69:24, 73:24, 74:2, 76:10, 76:23, 77:9, 77:11, 78:1, 191:9, 194:20, 225:1 maintained [3] - 39:22, 198:16, 207:1 maintaining [5] - 77:4, 77:24, 141:9, 163:5, 172:14 MAJESTRO [9] - 2:6, 7:7, 7:10, 7:12, 14:6, 122:4, 123:22, 124:10, 126:7 Majestro [8] - 2:6, 7:6, 119:18, 122:3, 124:4, 124:8, 125:16, 126:5 management [3] - 184:7, 184:8, 211:6 Managers [1] - 53:21 manifested [1] - 45:6 manipulate [2] - 86:4, 87:24 manner [6] - 12:23, 49:11, 59:7, 60:18, 207:22, 209:11 Manual [3] - 19:15, 19:18, 19:20 manufactured [1] - 180:4 manufacturer [4] - 148:19, 175:15, 178:15, 179:18 manufacturers [1] - 181:6 March [1] - 19:24 MARK [1] - 3:16 Mark [6] - 54:16, 73:9, 106:6, 171:4, 171:7, 171:12 mark [2] - 55:4, 111:10 marked [5] - 17:23, 133:21, 137:5, 137:6, 143:22 market [1] - 175:16 Mart [3] - 205:23, 205:24 mask [1] - 43:17 massive [2] - 98:8, 98:11 Master [1] - 68:23 master [2] - 27:15 matter [12] - 23:8,</p>	<p>24:10, 32:22, 36:4, 43:10, 61:11, 61:23, 106:25, 118:6, 130:16, 226:14, 241:5 MAY [1] - 1:19 Mays [1] - 125:1 MBA [1] - 97:21 McCann [12] - 8:20, 9:24, 10:7, 10:21, 11:12, 11:13, 11:14, 11:24, 12:1, 12:6, 12:12, 12:24 McCann's [4] - 8:25, 10:2, 10:9, 13:14 MCCLURE [1] - 6:3 MCGINNESS [1] - 4:2 McKesson [8] - 5:8, 10:16, 43:22, 44:3, 44:6, 122:13, 123:23, 124:11 MDL [5] - 9:18, 30:14, 68:21, 129:7, 130:25 mean [17] - 25:7, 42:19, 46:9, 62:15, 65:11, 67:25, 87:20, 97:15, 104:17, 109:23, 132:6, 135:24, 136:5, 193:2, 193:16, 197:2, 220:10 Meaning [1] - 82:13 meaning [4] - 63:10, 73:23, 103:22, 103:25 means [12] - 27:13, 57:5, 57:24, 58:4, 77:14, 88:22, 100:11, 112:9, 135:4, 136:7, 176:2, 197:3 meant [1] - 172:6 measured [2] - 74:14, 74:17 measures [4] - 75:18, 167:5, 194:24, 195:3 mechanical [1] - 6:19 mechanism [2] - 58:17, 75:13 mechanization [1] - 95:17 Medicaid [1] - 188:19 medical [5] - 98:22, 115:5, 178:4, 179:2, 230:15 medication [4] - 115:9, 178:21, 178:22, 179:6 medications [3] - 154:9, 175:12, 179:9</p>	<p>Medicine [25] - 110:8, 110:11, 110:13, 110:16, 110:19, 111:4, 111:6, 111:11, 111:13, 111:20, 112:3, 112:6, 114:7, 114:8, 114:12, 114:20, 149:19, 153:16, 153:17, 209:22, 209:24, 210:4, 214:14, 233:17 Medicine's [1] - 153:18 medicines [4] - 79:11, 79:13, 82:17, 111:15 medium [1] - 60:1 meet [6] - 41:20, 54:6, 98:16, 115:3, 169:3, 219:19 meeting [21] - 115:10, 179:3, 220:1, 220:2, 220:4, 220:6, 220:12, 221:19, 223:1, 223:4, 226:8, 226:9, 227:14, 229:23, 234:8, 234:11, 234:12, 234:21, 235:1, 235:21 meetings [6] - 67:15, 67:17, 208:18, 208:24, 209:5, 235:6 member [5] - 65:13, 75:5, 108:17, 108:19, 155:25 members [7] - 18:3, 52:12, 108:4, 108:13, 141:24, 144:22, 183:10 memo [1] - 32:5 memorandum [2] - 19:22, 147:5 memorize [1] - 193:4 mentality [1] - 103:17 mentioned [9] - 48:19, 48:20, 54:24, 143:4, 158:10, 177:2, 208:23, 215:3, 215:8 mentions [2] - 78:15, 134:6 merchandisers [1] - 183:12 Mercifully [1] - 205:8 merit [1] - 9:21 messed [1] - 154:14 met [2] - 38:15, 52:11 Meth [1] - 94:15 method [5] - 10:1, 10:3, 104:9, 104:11,</p>
M				
<p>ma'am [1] - 61:17 Magazine [1] - 3:7 MAHADY [4] - 6:4, 124:4, 124:22, 125:13 Mahady [2] - 124:3, 125:12 mail [14] - 18:3, 18:17, 18:20, 18:24, 23:3, 30:9, 32:5, 35:1, 35:4, 36:1, 50:3, 133:24, 134:4, 140:13 mailed [1] - 221:10 mails [1] - 134:14 main [2] - 145:9, 182:21 Mainigi [14] - 14:25, 23:7, 26:1, 30:4, 36:5, 41:9, 48:2, 130:23, 151:7, 162:14, 231:11, 234:9, 236:18, 238:2 MAINIGI [161] - 4:12, 15:1, 20:9, 21:7, 21:25, 22:3, 22:16, 23:9, 23:21, 24:2, 24:20, 24:25, 25:21, 26:3, 26:13, 26:16,</p>				

104:18 methodologies [1] - 12:14 methodology [4] - 11:12, 125:19, 185:22, 199:3 methods [3] - 9:23, 10:8, 104:4 metrics [2] - 134:3, 192:9 MICHAEL [2] - 2:15, 3:9 Michael [1] - 125:1 microphone [4] - 152:12, 161:20, 164:11, 177:14 middle [2] - 10:23, 17:1 Midwest [1] - 112:14 might [11] - 38:20, 64:14, 64:15, 82:13, 99:1, 99:2, 146:16, 147:23, 188:8, 212:21, 240:6 migrate [1] - 91:3 migrating [1] - 48:23 migration [2] - 40:13, 113:8 Mike [2] - 14:10, 15:19 MILDRED [1] - 3:3 mind [7] - 7:8, 14:4, 52:4, 114:13, 181:13, 203:20, 232:8 mindful [1] - 117:17 mine [1] - 104:23 minute [4] - 22:21, 34:8, 56:13, 182:5 minutes [7] - 25:24, 26:11, 66:15, 151:10, 151:11, 151:25, 230:25 misremembering [1] - 204:14 missed [3] - 93:12, 122:5, 231:9 misstates [1] - 96:20 misuse [1] - 154:8 Mitchell [1] - 2:12 MOA [6] - 37:23, 147:11, 223:8, 223:12, 223:13, 233:5 MOAs [3] - 36:25, 45:3, 45:7 mode [1] - 11:18 modeled [1] - 191:3 models [1] - 185:24 modify [1] - 185:21 module [1] - 184:9	modules [2] - 192:8 MOI [1] - 147:22 moment [8] - 54:25, 131:2, 142:20, 143:2, 186:6, 200:23, 201:24, 231:5 Mone [112] - 14:8, 15:13, 15:23, 15:25, 20:3, 20:15, 20:17, 20:23, 21:3, 23:1, 23:11, 23:16, 24:16, 26:18, 26:22, 30:23, 33:5, 33:9, 33:13, 33:24, 34:13, 36:10, 36:25, 37:5, 38:7, 38:25, 39:5, 41:12, 45:17, 46:3, 47:7, 47:24, 48:9, 49:25, 55:18, 66:18, 66:23, 68:14, 69:7, 70:12, 71:10, 77:13, 78:10, 100:22, 102:5, 102:24, 103:15, 105:7, 111:3, 112:25, 114:1, 114:10, 127:8, 127:15, 127:24, 128:12, 133:2, 133:16, 133:22, 134:24, 137:4, 138:3, 143:2, 143:17, 143:22, 145:13, 146:10, 147:5, 148:1, 151:20, 152:1, 156:17, 161:13, 161:24, 162:16, 162:19, 163:19, 164:20, 166:22, 170:24, 181:8, 182:9, 182:12, 189:23, 190:10, 191:19, 196:10, 196:20, 197:18, 198:17, 199:18, 200:18, 201:23, 202:18, 207:5, 208:5, 209:21, 210:18, 212:15, 214:11, 216:4, 217:6, 221:14, 230:19, 231:5, 234:7, 236:9, 236:14, 238:13, 239:3 Mone's [2] - 30:13, 236:13 monitor [2] - 54:5, 138:3	monitored [1] - 74:20 Monitoring [21] - 55:20, 58:25, 130:3, 130:12, 144:19, 154:17, 154:18, 154:23, 155:1, 157:18, 168:1, 168:16, 182:22, 184:4, 184:11, 186:7, 191:24, 191:25, 196:8, 206:4, 227:18 monitoring [6] - 56:10, 135:4, 158:14, 174:4, 188:8, 227:8 month [11] - 134:6, 134:23, 135:5, 135:6, 136:2, 136:10, 150:7, 160:20, 166:9, 181:12, 233:18 month" [1] - 135:2 month's [1] - 134:2 Monthly [1] - 193:14 monthly [4] - 40:22, 81:19, 137:9, 193:14 months [9] - 88:24, 89:2, 135:19, 140:9, 157:16, 216:21, 223:2, 223:3, 223:4 moot [1] - 28:17 morning [15] - 119:8, 119:12, 120:14, 120:21, 126:11, 130:23, 146:17, 146:21, 146:24, 170:7, 173:24, 236:21, 236:23, 237:23, 240:12 morning's [1] - 122:5 Morris [1] - 6:15 most [10] - 8:14, 9:13, 15:8, 78:21, 95:16, 156:3, 187:15, 205:16, 206:19 mostly [1] - 205:15 motion [2] - 28:16, 38:18 Motley [5] - 2:9, 3:14, 4:3, 4:5, 4:8 MOU [7] - 46:23, 47:10, 47:19, 107:15, 232:17, 232:22, 233:5 MOUGEY [1] - 2:12 MOUs [6] - 36:25, 41:22, 42:1, 42:3, 42:10, 46:16 move [36] - 20:7,	35:20, 46:7, 55:10, 69:13, 70:15, 72:16, 88:1, 101:20, 102:19, 106:11, 122:20, 125:8, 134:17, 137:22, 142:5, 142:14, 142:18, 145:4, 164:15, 173:13, 177:17, 177:18, 197:11, 198:3, 199:9, 200:11, 201:16, 202:11, 204:25, 209:13, 210:10, 213:23, 215:19, 216:25, 235:3 moved [1] - 100:19 moves [1] - 176:15 moving [1] - 198:5 MPJE [3] - 227:13, 227:14, 227:16 MR [257] - 2:3, 2:6, 2:9, 2:12, 2:15, 3:9, 3:11, 3:16, 4:17, 5:9, 5:10, 5:13, 6:4, 7:7, 7:10, 7:12, 11:2, 13:23, 14:5, 14:6, 14:9, 14:15, 14:20, 15:8, 15:19, 15:22, 17:12, 17:16, 20:7, 21:5, 21:13, 21:21, 22:1, 22:13, 22:21, 22:24, 23:18, 24:8, 24:14, 24:24, 25:9, 25:12, 25:15, 25:19, 25:25, 26:10, 27:2, 27:5, 27:9, 31:10, 32:11, 33:6, 33:11, 33:12, 33:15, 33:16, 33:20, 33:23, 34:9, 34:12, 35:19, 35:24, 36:14, 36:17, 36:22, 36:24, 37:3, 37:4, 38:20, 38:24, 39:3, 39:4, 41:7, 43:7, 44:2, 44:4, 44:10, 44:13, 44:23, 45:1, 45:15, 45:16, 46:1, 46:2, 46:6, 46:22, 47:3, 47:6, 47:18, 48:8, 49:20, 49:23, 49:24, 53:19, 55:9, 55:12, 55:15, 55:17, 55:23, 55:25, 58:8, 58:13, 58:15, 61:14, 61:17, 61:18, 66:12, 66:22, 68:11, 68:13, 69:5, 69:6, 69:12, 69:19, 70:11, 70:15,	71:8, 71:9, 71:17, 72:15, 72:20, 76:4, 78:9, 94:7, 94:9, 96:24, 97:1, 100:19, 100:21, 101:20, 102:4, 102:19, 103:8, 103:13, 103:14, 104:25, 106:11, 106:18, 106:23, 107:3, 111:2, 113:16, 114:5, 117:8, 117:9, 118:8, 118:11, 118:14, 122:4, 123:22, 124:4, 124:10, 124:22, 125:13, 125:15, 126:7, 126:10, 126:23, 128:5, 128:8, 129:16, 129:18, 129:23, 132:17, 132:24, 133:4, 133:9, 133:11, 133:14, 133:18, 133:20, 134:17, 134:21, 137:22, 138:2, 142:4, 142:13, 142:18, 143:1, 143:21, 145:3, 146:1, 146:22, 146:25, 147:4, 147:23, 147:25, 149:16, 149:17, 151:1, 151:5, 161:11, 161:19, 162:8, 162:12, 163:12, 164:4, 164:7, 164:10, 166:1, 169:11, 169:12, 169:14, 170:1, 170:8, 170:17, 170:20, 173:11, 175:20, 190:2, 190:21, 190:25, 191:9, 194:15, 197:12, 198:9, 199:12, 200:14, 200:15, 201:19, 201:20, 202:14, 202:15, 203:17, 203:24, 204:8, 205:3, 205:5, 209:16, 209:17, 210:13, 210:14, 214:1, 214:2, 214:6, 215:21, 215:22, 217:2, 217:3, 222:13, 230:20, 230:21, 230:24, 231:1, 231:4,
---	---	--	--	---

Ayme A. Cochran, RMR, CRR (304) 347-3128

<p>127:2, 146:18, 165:7 objecting [6] - 30:3, 43:20, 123:9, 146:13, 146:14, 164:7 objection [105] - 20:9, 21:15, 21:16, 21:18, 21:23, 24:4, 32:9, 32:15, 36:15, 36:17, 37:25, 38:6, 38:7, 38:8, 39:1, 43:8, 43:12, 44:16, 45:24, 47:1, 47:13, 53:15, 55:11, 68:16, 68:21, 68:22, 68:25, 69:11, 69:23, 69:25, 70:9, 71:6, 72:17, 78:8, 96:25, 101:22, 101:23, 103:9, 106:13, 106:15, 121:18, 121:19, 126:12, 126:14, 127:5, 127:7, 127:12, 128:4, 128:6, 128:7, 128:11, 129:24, 131:5, 132:15, 132:16, 134:18, 137:24, 142:6, 142:7, 142:10, 143:16, 145:6, 145:8, 145:9, 145:21, 162:13, 163:12, 165:8, 165:12, 165:14, 166:1, 173:11, 182:25, 191:10, 191:11, 197:12, 198:8, 199:11, 200:13, 200:14, 200:15, 201:18, 202:13, 202:14, 203:17, 204:9, 205:2, 205:3, 209:15, 209:16, 209:17, 210:12, 210:13, 210:14, 213:25, 214:2, 214:5, 215:20, 215:21, 217:1, 228:4, 235:17, 235:22 Objection [11] - 69:9, 78:4, 96:20, 110:22, 113:9, 113:25, 117:3, 194:15, 204:7, 222:13, 232:23 objections [14] - 20:22, 21:11, 24:19, 31:21, 38:5, 38:18,</p>	<p>43:22, 68:18, 119:10, 120:21, 121:17, 122:21, 122:24, 125:2 objective [5] - 81:12, 81:15, 173:24, 174:2, 212:9 obligation [13] - 76:20, 76:21, 76:23, 77:5, 77:8, 77:9, 111:14, 115:3, 147:9, 147:21, 178:1, 238:4, 240:6 obligations [5] - 9:5, 9:6, 54:7, 171:16, 208:20 observation [1] - 52:10 observations [1] - 50:17 obtain [4] - 81:15, 82:18, 89:4, 155:4 obtained [1] - 206:10 obvious [3] - 13:19, 13:20, 148:14 obviously [9] - 77:23, 79:24, 80:24, 98:15, 111:14, 116:18, 142:8, 228:25, 229:7 occasion [6] - 153:20, 183:15, 189:7, 219:17, 219:18 occasions [3] - 84:1, 84:2, 189:7 occur [1] - 95:13 occurred [10] - 40:18, 41:1, 42:3, 87:5, 93:11, 107:15, 116:15, 165:25, 181:15, 232:19 occurs [1] - 135:17 October [2] - 101:8, 203:3 OF [2] - 1:1, 1:4 offer [4] - 132:14, 204:9, 224:16, 224:21 offered [3] - 44:2, 125:11, 131:3 office [4] - 40:4, 41:6, 147:14, 153:24 Office [3] - 147:8, 147:15, 153:12 Officer [1] - 154:5 officer [2] - 27:23, 73:8 Officers [1] - 55:3 officers [7] - 51:11, 53:25, 161:6, 172:3, 172:10, 183:14,</p>	<p>224:2 Offices [1] - 168:21 Official [2] - 241:2, 241:3 offs [1] - 57:4 often [5] - 89:7, 208:25, 211:13, 211:18 Ohio [11] - 19:3, 39:15, 39:19, 39:21, 41:4, 41:6, 137:2, 143:9, 143:12, 143:19, 156:1 old [1] - 162:4 on-board [1] - 222:2 on-boarded [2] - 83:18, 183:23 on-boarding [3] - 80:3, 83:12, 83:14 on-site [7] - 172:14, 193:11, 202:1, 202:4, 202:6, 202:20, 223:9 once [11] - 8:19, 36:9, 44:5, 59:25, 61:25, 77:19, 86:5, 152:10, 152:11, 203:14, 218:24 Once [1] - 95:22 One [2] - 5:11, 114:21 one [83] - 10:12, 13:1, 21:16, 22:8, 22:16, 22:17, 26:13, 26:16, 29:5, 31:12, 31:23, 38:11, 42:3, 43:20, 43:24, 43:25, 45:5, 47:3, 47:5, 54:20, 58:24, 61:4, 65:18, 69:13, 69:17, 70:15, 76:16, 77:2, 80:16, 88:18, 89:13, 98:6, 98:18, 98:19, 99:4, 100:19, 101:12, 105:5, 105:19, 109:13, 110:6, 112:15, 114:18, 117:10, 121:14, 129:4, 129:14, 130:23, 131:8, 134:10, 137:4, 137:5, 140:13, 141:23, 142:20, 151:1, 161:12, 164:6, 166:8, 170:18, 171:20, 176:16, 180:4, 185:6, 193:5, 200:4, 203:3, 203:11, 212:1, 212:21, 212:24, 213:10,</p>	<p>213:12, 219:17, 219:18, 233:15, 236:12, 237:9 one's [1] - 148:14 ones [4] - 104:22, 105:2, 221:8, 223:12 ongoing [1] - 26:6 op [1] - 192:20 open [5] - 82:11, 82:16, 83:8, 225:12, 226:10 operate [3] - 52:19, 55:21, 197:24 operated [8] - 39:19, 47:24, 48:12, 48:14, 51:10, 51:17, 163:10, 224:1 operating [4] - 53:13, 163:23, 204:10, 204:12 Operating [2] - 154:5, 196:11 operation [3] - 39:20, 96:3, 110:17 Operational [1] - 101:3 operations [4] - 42:25, 54:10, 71:20, 90:13 Operations [3] - 53:2, 54:22, 171:13 opinion [3] - 30:1, 132:8, 132:16 opinions [1] - 8:18 opioid [2] - 79:3, 139:8 opioids [11] - 79:13, 79:25, 153:21, 175:4, 175:14, 175:16, 175:19, 176:18, 176:23, 179:16, 180:14 opportunities [1] - 91:16 opportunity [10] - 10:17, 29:12, 30:14, 118:15, 118:18, 125:18, 160:12, 160:16, 169:17, 169:20 opposed [3] - 147:8, 168:21, 206:23 opposing [1] - 130:7 opposite [1] - 12:5 orally [1] - 191:14 order [104] - 7:18, 7:21, 8:1, 9:1, 9:2, 9:12, 10:11, 11:18, 13:22, 26:15, 41:20, 56:1, 56:5, 56:8, 56:10, 56:18, 56:25,</p>	<p>57:1, 57:2, 57:20, 57:25, 62:14, 62:19, 63:1, 63:2, 63:5, 63:7, 63:10, 63:12, 65:23, 75:1, 77:19, 77:20, 78:2, 84:14, 86:12, 86:14, 90:13, 91:14, 91:18, 91:23, 92:2, 92:6, 95:8, 95:11, 95:15, 95:20, 95:22, 96:9, 98:15, 99:23, 99:24, 100:5, 100:8, 100:10, 100:11, 100:12, 100:13, 103:22, 104:1, 111:12, 111:15, 111:25, 112:4, 126:19, 135:4, 149:1, 149:2, 156:14, 161:8, 165:24, 174:4, 176:25, 185:19, 186:1, 186:3, 186:8, 186:12, 186:19, 187:6, 188:8, 189:10, 189:13, 189:15, 189:16, 189:20, 195:1, 195:17, 195:19, 196:5, 200:5, 201:9, 204:5, 212:19, 217:18, 227:8, 230:13, 237:25, 238:5, 239:13, 240:1, 240:4 Order [21] - 16:16, 55:19, 58:24, 107:8, 130:2, 130:12, 144:18, 148:10, 157:18, 157:25, 166:17, 166:19, 167:25, 168:16, 182:22, 184:3, 184:10, 186:7, 191:24, 196:8, 227:18 ordered [3] - 9:18, 57:25, 179:7 ordering [2] - 90:6, 217:18 orders [73] - 9:23, 10:1, 10:5, 39:8, 39:17, 63:15, 63:18, 63:23, 64:1, 74:7, 74:8, 74:10, 74:11, 74:14, 74:17, 74:20, 75:2, 75:21, 75:22, 76:9, 76:19, 76:22, 77:3, 77:6, 77:7, 77:15, 77:17, 77:25, 94:17, 96:12, 96:14,</p>
--	--	---	--	---

<p>104:15, 105:24, 135:11, 136:10, 136:12, 136:18, 136:21, 138:22, 141:12, 141:15, 147:7, 148:5, 150:12, 150:18, 157:24, 159:7, 159:11, 159:17, 159:18, 160:21, 161:10, 161:18, 162:2, 163:8, 168:17, 168:18, 168:19, 184:9, 184:11, 189:8, 195:23, 195:25, 201:6, 201:13, 220:24, 221:21, 222:10, 227:25, 233:4</p> <p>Orders [1] - 67:11 ordinarily [2] - 64:8, 99:17 ordinary [1] - 109:16 org [2] - 170:25, 172:20 organization [2] - 73:8, 215:2 organizational [3] - 50:20, 169:7, 170:23 original [6] - 99:24, 100:8, 100:10, 100:13, 121:9, 132:20 originally [1] - 238:19 originated [2] - 101:13, 109:2 originates [1] - 79:23 Orleans [1] - 3:8 Osteopathic [1] - 153:16 otherwise [5] - 12:24, 21:17, 70:8, 192:12, 238:10 ou [1] - 7:15 ought [6] - 9:14, 10:24, 21:2, 42:13, 132:21, 237:16 ourselves [1] - 115:8 out-of-court [1] - 132:13 out-of-sequence [1] - 12:10 out-of-state [1] - 113:3 outcome [1] - 199:20 outlining [1] - 202:3 outside [12] - 18:4, 38:11, 46:17, 71:3, 106:7, 113:9,</p>	<p>113:14, 121:20, 121:21, 131:17, 176:17, 235:18 over-supplying [1] - 82:3 overall [1] - 146:19 overarching [1] - 43:3 overcome [3] - 26:22, 26:23, 128:3 override [1] - 132:15 outrule [3] - 110:24, 113:11, 164:17 outruled [10] - 32:9, 53:17, 68:22, 111:1, 161:21, 163:16, 166:2, 173:15, 175:21, 204:7 Overruled [2] - 222:19, 233:1 oversaw [1] - 171:12 oversight [1] - 51:4 overwrite [1] - 150:8 own [12] - 13:2, 40:24, 48:15, 85:10, 85:11, 85:14, 86:20, 86:23, 93:21, 116:3, 132:4, 189:4 owner [3] - 116:11, 197:2, 203:7 oxy [1] - 87:8 oxycodone [6] - 10:4, 60:11, 62:2, 86:23, 150:5, 150:6</p>	<p>PA [3] - 6:6, 6:13, 6:15 package [2] - 148:20, 148:24 packet [5] - 20:2, 23:20, 36:3, 37:16, 72:23 Page [25] - 28:24, 37:19, 37:23, 47:20, 50:15, 52:23, 54:19, 55:8, 73:1, 73:11, 73:12, 73:13, 78:10, 78:25, 80:1, 85:16, 88:12, 93:9, 97:6, 99:20, 103:15, 191:20, 203:4, 203:5, 214:19 page [20] - 35:1, 37:20, 37:23, 50:3, 52:23, 69:7, 71:11, 100:24, 101:25, 104:4, 133:23, 133:24, 134:22, 136:8, 197:1, 214:11, 233:11, 233:25 Pain [1] - 104:12 pain [14] - 104:13, 113:4, 114:15, 114:24, 115:2, 115:11, 115:13, 115:16, 115:18, 115:20, 211:6, 233:21, 233:23 Panel [1] - 153:19 Papantonio [1] - 2:12 paper [14] - 15:5, 44:24, 90:20, 90:21, 91:4, 92:12, 93:5, 93:6, 93:7, 125:17, 183:20, 183:21, 211:16, 213:6 paper-based [3] - 90:20, 90:21, 91:4 Paragraph [2] - 28:3, 28:9 parameters [2] - 97:16, 227:21 pardon [1] - 140:24 Pardon [1] - 220:5 part [23] - 34:21, 41:17, 58:24, 62:9, 72:6, 82:1, 82:4, 97:23, 105:22, 111:7, 117:25, 162:4, 168:9, 168:15, 183:4, 183:19, 184:4, 188:8, 201:8, 219:19, 223:8, 231:9, 239:15</p>	<p>participate [6] - 78:14, 200:24, 201:2, 201:5, 203:1, 226:22 participated [2] - 198:22, 224:19 participating [1] - 235:2 participation [2] - 51:14, 109:18 particular [40] - 25:1, 26:23, 58:7, 59:10, 64:13, 70:5, 75:1, 77:2, 84:9, 86:22, 87:9, 87:12, 88:3, 88:7, 88:23, 89:20, 92:10, 108:6, 108:8, 109:20, 110:13, 113:17, 115:18, 117:4, 121:12, 125:25, 128:1, 141:17, 148:19, 153:1, 153:23, 181:25, 186:2, 212:24, 218:17, 221:2, 224:11, 228:22, 232:9, 234:2 particularly [4] - 47:24, 72:9, 115:18, 135:7 parties [9] - 10:16, 22:15, 29:6, 35:21, 45:5, 122:9, 122:10, 122:21, 123:15 parts [2] - 144:8, 196:12 party [16] - 7:17, 7:22, 7:25, 21:16, 22:9, 44:1, 45:2, 122:14, 123:25, 130:9, 132:1, 133:11, 143:4, 143:5, 169:17 party's [4] - 106:24, 130:7, 130:15, 131:14 pass [2] - 151:5, 174:3 passed [3] - 46:3, 120:11, 137:4 past [2] - 72:12, 84:16 patient [7] - 89:15, 89:16, 178:20, 179:4, 179:5, 179:13, 217:9 patient's [1] - 155:5 patiently [1] - 239:1 patients [16] - 59:23, 81:5, 98:15, 98:16, 99:10, 116:21, 116:24, 116:25, 117:2, 176:17, 178:19, 178:23,</p>	<p>184:22, 188:5, 217:14 pattern [7] - 74:8, 74:11, 74:20, 74:24, 75:3, 75:7, 135:16 PAUL [2] - 2:3, 5:9 Paul [1] - 27:22 Pause [7] - 22:23, 25:18, 34:10, 76:2, 142:22, 151:4, 234:4 pay [3] - 111:9, 111:14, 232:9 pays [2] - 111:6, 111:11 PEARL [1] - 3:6 pediatrician [1] - 116:5 pending [1] - 107:11 Pensacola [1] - 2:14 People [1] - 97:14 people [13] - 27:9, 52:24, 55:1, 97:18, 97:19, 97:21, 105:15, 172:22, 188:13, 198:14, 198:25, 199:4, 239:15 per [11] - 21:16, 22:8, 22:9, 125:9, 135:2, 135:6, 136:10, 150:1, 231:15, 233:18 Per [1] - 32:6 percent [4] - 192:11, 192:13, 192:23, 192:24 percentage [1] - 10:5 perfectly [2] - 126:3, 126:13 performance [1] - 192:9 performed [2] - 89:22, 105:24 Perhaps [1] - 70:21 perhaps [2] - 126:25, 133:14 period [12] - 31:9, 32:20, 67:10, 156:23, 157:13, 158:5, 168:6, 170:24, 194:1, 205:22, 228:20, 230:4 periodically [5] - 194:2, 194:3, 202:24, 211:19, 212:1 Perry [1] - 125:1 person [9] - 43:20, 79:5, 80:16, 130:9,</p>
--	--	---	--	--

<p>197:3, 203:10, 203:11, 203:12 personal [5] - 17:22, 31:12, 38:7, 50:22, 70:23 personally [2] - 27:22, 189:6 personnel [2] - 51:15, 51:16 persuasive [1] - 9:14 pertain [1] - 134:1 pertains [1] - 75:17 PETER [1] - 2:12 Ph.D [1] - 143:8 pharmaceutical [1] - 175:7 pharmacies [43] - 38:12, 39:17, 59:12, 77:15, 82:23, 86:7, 109:14, 112:8, 112:21, 112:23, 116:22, 141:17, 153:5, 166:25, 167:3, 167:6, 167:20, 194:13, 205:9, 205:11, 205:13, 205:15, 206:8, 206:9, 207:1, 207:6, 207:14, 211:14, 215:3, 215:5, 215:6, 215:8, 217:14, 217:18, 228:12, 228:24, 229:3, 229:22, 230:1, 231:8, 231:14, 232:4, 233:4 pharmacist [53] - 65:7, 65:13, 65:15, 65:17, 66:1, 74:23, 75:5, 76:5, 76:7, 83:6, 84:14, 89:7, 89:9, 89:10, 91:10, 91:12, 91:16, 92:1, 99:17, 105:20, 105:22, 115:9, 115:21, 115:25, 116:1, 116:2, 116:11, 116:19, 117:21, 135:16, 152:17, 156:14, 156:15, 174:3, 174:16, 174:17, 178:24, 179:14, 186:3, 186:7, 186:11, 186:14, 187:6, 189:9, 189:14, 208:9, 208:11, 209:4, 212:19, 212:21, 213:9, 213:13</p>	<p>pharmacist's [1] - 178:6 pharmacist/ pharmacist [1] - 66:1 pharmacists [22] - 65:16, 65:19, 66:6, 105:19, 105:23, 116:4, 118:3, 153:5, 153:7, 173:2, 174:5, 174:6, 174:8, 174:9, 174:10, 177:23, 183:21, 186:8, 199:5, 208:9, 208:18 Pharmacy [22] - 81:14, 112:15, 112:24, 152:11, 152:20, 152:23, 152:24, 154:1, 154:6, 154:16, 155:22, 156:1, 156:6, 156:7, 156:10, 188:18, 196:3, 210:3, 227:5, 227:8, 227:19, 228:1 pharmacy [82] - 64:13, 65:16, 65:20, 80:5, 86:10, 88:23, 89:5, 89:22, 89:25, 90:10, 91:19, 98:14, 98:18, 98:19, 99:7, 112:13, 113:3, 113:10, 113:12, 114:14, 116:2, 116:4, 116:12, 116:21, 116:25, 117:11, 117:14, 117:15, 117:19, 153:7, 153:8, 155:24, 174:19, 176:23, 178:21, 179:6, 180:7, 180:14, 182:1, 184:21, 185:1, 185:4, 185:5, 185:7, 185:13, 185:14, 185:15, 185:16, 186:2, 186:20, 186:24, 187:3, 187:8, 187:11, 187:19, 188:1, 188:2, 188:3, 188:23, 189:13, 201:6, 206:14, 206:15, 208:23, 209:3, 209:5, 209:7, 209:24, 210:2, 210:20, 211:8, 211:16, 211:24, 212:6, 213:19, 215:13, 218:17, 233:13 pharmacy's [1] -</p>	<p>178:22 Phase [2] - 48:20, 48:22 PHI [1] - 217:11 Philadelphia [2] - 6:6, 6:13 philosophy [1] - 209:8 phone [3] - 161:7, 187:2, 215:2 physical [5] - 194:24, 195:3, 195:6, 195:11, 195:13 physician [1] - 178:25 physicians [1] - 115:3 pick [2] - 161:7, 187:2 picked [1] - 171:23 picture [2] - 155:4, 176:11 pie [1] - 65:21 piece [14] - 44:24, 49:17, 57:19, 65:20, 92:2, 142:9, 171:14, 171:16, 171:24, 171:25, 174:12, 208:10 pierce [1] - 171:15 PIFKO [1] - 3:16 pill [2] - 62:8, 181:8 pills [5] - 62:2, 62:3, 62:8, 111:12, 113:8 pint [1] - 145:3 place [12] - 34:16, 39:5, 39:7, 40:13, 47:22, 48:21, 84:8, 118:23, 139:10, 145:1, 147:17, 147:18 placed [2] - 172:24, 184:9 PLAINTIFF [9] - 24:6, 36:23, 55:14, 134:20, 138:1, 142:12, 142:17, 142:25, 147:3 Plaintiff [5] - 1:5, 1:11, 2:2, 3:2, 4:1 plaintiff [1] - 14:10 Plaintiffs [3] - 118:18, 133:21, 241:6 plaintiffs [26] - 7:13, 8:13, 8:15, 12:5, 13:18, 13:21, 14:2, 15:20, 22:14, 22:17, 28:13, 28:15, 28:25, 29:2, 29:12, 32:23, 41:20, 118:16, 120:8, 125:3, 125:7, 128:3, 236:25, 239:12, 240:2, 240:4 plaintiffs' [2] - 209:21,</p>	<p>238:22 Plaintiffs' [18] - 20:8, 35:20, 46:3, 55:10, 70:13, 72:16, 101:21, 105:8, 106:12, 137:5, 137:6, 137:23, 143:23, 145:5, 214:4, 214:5, 235:4 plan [2] - 8:15, 239:25 planned [1] - 8:22 planning [2] - 119:19, 236:23 plausibility [3] - 91:6, 91:18, 92:2 plausible [4] - 91:17, 95:8, 95:9, 95:12 Pleasant [3] - 3:15, 4:4, 4:9 pleasant [1] - 239:5 plug [1] - 118:5 plus [1] - 187:14 Podiatric [1] - 153:17 point [35] - 8:15, 11:17, 29:22, 32:18, 45:13, 52:6, 54:10, 67:3, 67:24, 72:15, 87:1, 88:13, 90:12, 91:5, 95:14, 100:7, 110:1, 118:7, 125:11, 127:4, 128:8, 131:8, 131:9, 167:4, 167:12, 169:15, 171:4, 181:17, 181:23, 189:9, 216:24, 218:10, 220:24, 236:24 pointed [2] - 124:19, 231:6 police [1] - 188:17 policies [6] - 220:15, 220:17, 221:2, 222:21, 222:22, 225:18 policy [3] - 93:6, 150:23, 226:13 Policy [1] - 219:24 Polster [2] - 9:17, 129:9 Ponc [1] - 2:4 Ponce [1] - 2:16 pop [2] - 55:12, 55:15 portion [1] - 102:22 portions [1] - 49:1 position [8] - 18:14, 35:10, 109:3, 125:7, 134:13, 142:15, 142:23, 165:17 positions [3] - 54:2,</p>	<p>155:23, 171:2 possess [2] - 176:25, 178:16 possessed [1] - 219:3 possible [2] - 29:1, 110:3 post [2] - 117:21, 160:14 post-September [1] - 160:14 potential [4] - 12:2, 113:18, 114:24, 145:1 potentially [1] - 149:8 Powell [1] - 2:6 Power [1] - 91:5 PowerPoint [9] - 35:14, 50:5, 50:7, 50:10, 71:16, 76:8, 81:16, 101:12, 102:7 PowerPoints [1] - 72:4 PPT [1] - 172:22 PR [2] - 2:5, 2:17 practice [5] - 8:4, 115:4, 153:6, 178:4, 179:1 practicing [1] - 152:17 practitioner [1] - 155:6 practitioners [5] - 113:13, 153:22, 155:2, 155:8, 155:11 pre [2] - 187:20, 187:22 pre-review [2] - 187:20, 187:22 precise [1] - 185:24 preclude [1] - 128:15 precludes [1] - 128:14 predicate [3] - 12:8, 38:21, 41:8 predominantly [2] - 135:14, 167:2 prejudice [1] - 8:12 prejudiced [1] - 8:13 preliminary [1] - 8:6 prepare [3] - 7:14, 14:7, 225:23 prepared [4] - 8:22, 19:23, 129:1, 221:8 prepares [2] - 179:4, 203:11 preparing [2] - 8:17, 22:4 prescribe [5] - 115:3, 155:9, 176:18, 176:21, 178:2 prescriber [1] - 234:6 prescribers [8] -</p>
--	---	--	--	--

<p>82:18, 82:23, 115:17, 115:20, 155:7, 155:11, 176:18, 234:2</p> <p>prescribing [8] - 79:23, 87:10, 87:11, 98:14, 104:8, 115:16, 116:6</p> <p>Prescription [4] - 154:17, 154:18, 154:23, 155:1</p> <p>prescription [8] - 104:14, 154:9, 178:3, 178:24, 179:5, 179:13, 179:14, 180:14</p> <p>prescriptions [16] - 59:21, 89:18, 89:23, 98:13, 113:4, 113:13, 115:11, 116:20, 117:12, 155:3, 155:4, 180:17, 188:4, 208:22, 211:8, 217:7</p> <p>present [19] - 7:25, 8:16, 9:1, 10:20, 10:21, 12:11, 13:10, 29:18, 46:16, 122:11, 125:18, 126:19, 128:24, 170:10, 171:9, 179:13, 209:4, 236:23, 240:5</p> <p>presentation [9] - 7:18, 7:21, 50:7, 50:11, 101:12, 124:25, 190:12, 190:14, 192:10</p> <p>presentations [2] - 72:5, 72:24</p> <p>presented [4] - 9:13, 12:24, 89:23, 157:22</p> <p>presenting [3] - 8:21, 11:19, 12:17</p> <p>preserve [2] - 121:17, 129:11</p> <p>preserved [1] - 165:15</p> <p>preserving [1] - 125:2</p> <p>President [4] - 18:11, 35:11, 54:15, 156:2</p> <p>presume [2] - 114:18, 115:23</p> <p>presumptively [1] - 178:24</p> <p>pretty [3] - 46:25, 128:25, 149:1</p> <p>prevailed [1] - 27:17</p> <p>prevent [6] - 8:15, 73:24, 76:11, 77:10, 77:17, 78:2</p>	<p>prevented [2] - 128:10, 190:23</p> <p>prevention [1] - 154:8</p> <p>previously [6] - 36:2, 69:24, 118:14, 189:23, 239:3</p> <p>price [1] - 59:20</p> <p>primary [3] - 178:1, 187:13, 191:4</p> <p>principle [1] - 12:19</p> <p>privilege [9] - 68:21, 68:22, 68:25, 129:6, 129:8, 129:12, 129:13, 130:24, 131:5</p> <p>privileged [2] - 121:2, 131:19</p> <p>proactive [2] - 97:7, 99:3</p> <p>Probable [1] - 153:18</p> <p>probable [1] - 153:3</p> <p>problem [8] - 9:22, 24:23, 25:12, 126:2, 126:16, 194:9, 238:14</p> <p>problems [3] - 9:7, 146:8, 231:8</p> <p>procedure [6] - 13:14, 124:2, 125:16, 128:19, 204:10, 204:12</p> <p>Procedures [1] - 196:11</p> <p>procedures [5] - 11:22, 197:7, 197:25, 199:7, 225:18</p> <p>proceed [3] - 13:22, 15:18</p> <p>proceedings [2] - 122:6, 241:5</p> <p>Proceedings [3] - 6:19, 66:17, 182:8</p> <p>PROCEEDINGS [1] - 7:1</p> <p>process [75] - 27:11, 40:14, 45:21, 48:17, 55:19, 55:21, 57:11, 57:17, 57:18, 61:4, 62:9, 73:23, 80:3, 80:6, 80:8, 80:10, 82:4, 83:12, 83:13, 88:14, 91:22, 91:24, 92:8, 94:25, 95:12, 97:2, 97:19, 97:21, 97:24, 99:12, 99:16, 128:17, 138:14, 139:17, 144:20, 144:23, 157:10, 158:25, 160:8,</p>	<p>165:2, 168:9, 172:22, 173:9, 176:3, 183:9, 183:24, 184:2, 184:17, 184:18, 184:19, 184:23, 188:8, 188:9, 188:25, 193:8, 196:23, 197:19, 198:20, 199:1, 200:19, 203:1, 206:8, 212:15, 213:5, 218:16, 226:13, 226:21, 229:7, 229:19, 229:20, 232:12</p> <p>Proctor [1] - 2:12</p> <p>produce [2] - 130:25, 161:3</p> <p>produced [7] - 6:19, 74:22, 124:15, 137:18, 148:2, 174:25, 179:17</p> <p>product [6] - 86:14, 100:8, 100:10, 148:20, 176:15, 179:19</p> <p>production [1] - 123:11</p> <p>products [4] - 99:23, 148:19, 175:4, 175:8</p> <p>professional [5] - 92:3, 115:4, 178:3, 179:1, 186:15</p> <p>professionals [2] - 9:5, 92:15</p> <p>proffer [3] - 27:2, 118:11, 129:6</p> <p>Profile [1] - 212:18</p> <p>profile [3] - 213:2, 213:4, 213:19</p> <p>program [14] - 41:2, 41:3, 82:21, 109:8, 109:9, 138:6, 143:6, 146:19, 155:18, 155:19, 157:12, 183:16, 190:17, 193:7</p> <p>Program [13] - 76:17, 144:19, 154:17, 154:18, 154:24, 155:1, 157:2, 157:6, 157:9, 168:16, 191:24, 191:25, 230:13</p> <p>programs [1] - 209:4</p> <p>progress [1] - 50:5</p> <p>promises [1] - 70:18</p> <p>prongs [2] - 158:13, 158:16</p>	<p>proof [1] - 8:6</p> <p>proper [9] - 20:11, 21:8, 21:10, 29:4, 32:4, 120:18, 120:24, 132:15, 203:18</p> <p>properly [3] - 52:19, 54:5, 146:20</p> <p>proposal [1] - 10:14</p> <p>propose [2] - 122:15, 123:6</p> <p>proposing [3] - 8:9, 124:2, 125:16</p> <p>proprietary [1] - 218:23</p> <p>prosecute [1] - 153:4</p> <p>prosecuted [1] - 153:2</p> <p>prosecutor [1] - 152:25</p> <p>protect [1] - 12:12</p> <p>protected [1] - 155:19</p> <p>protecting [1] - 11:20</p> <p>proud [1] - 226:13</p> <p>prove [1] - 9:15</p> <p>proves [1] - 46:11</p> <p>provide [20] - 10:2, 14:17, 81:18, 82:7, 82:10, 84:10, 93:12, 93:18, 94:23, 98:1, 123:7, 155:2, 175:11, 194:21, 208:17, 209:2, 211:8, 218:19, 219:2, 221:4</p> <p>provided [20] - 9:24, 29:12, 33:24, 33:25, 34:1, 34:5, 34:18, 68:4, 81:10, 81:25, 101:23, 118:15, 118:18, 168:25, 173:25, 174:11, 175:1, 182:15, 190:12, 221:6</p> <p>providers [1] - 59:13</p> <p>provides [5] - 46:22, 134:22, 135:21, 175:9, 212:6</p> <p>providing [3] - 72:4, 164:1, 206:21</p> <p>province [1] - 240:3</p> <p>psych [1] - 185:15</p> <p>Public [1] - 93:25</p> <p>public [8] - 79:10, 79:12, 79:16, 79:18, 93:24, 156:3, 226:18, 226:20</p> <p>publish [1] - 58:10</p> <p>pull [3] - 118:5, 142:1, 152:12</p> <p>pulled [1] - 124:11</p>	<p>pulls [1] - 177:14</p> <p>purchase [8] - 59:20, 81:17, 82:16, 86:6, 96:4, 98:18, 213:18, 213:22</p> <p>purchased [1] - 108:10</p> <p>purchaser [1] - 86:7</p> <p>purchases [3] - 81:19, 88:20, 178:14</p> <p>purchasing [3] - 96:1, 96:17, 97:3</p> <p>purpose [26] - 20:21, 23:6, 24:13, 26:20, 29:3, 32:1, 32:13, 32:19, 36:8, 36:15, 36:19, 38:17, 44:15, 45:2, 46:21, 47:16, 68:24, 68:25, 70:3, 115:5, 178:4, 179:2, 180:16, 197:22, 208:15, 230:15</p> <p>purposes [7] - 23:23, 31:14, 35:23, 36:13, 46:7, 130:19, 143:23</p> <p>pursuant [4] - 89:22, 113:13, 130:14, 208:21</p> <p>pursue [1] - 111:1</p> <p>Put [1] - 190:8</p> <p>put [43] - 7:17, 14:10, 14:11, 15:8, 17:12, 30:18, 39:5, 39:7, 84:5, 84:24, 120:12, 124:18, 124:19, 126:7, 127:21, 147:17, 147:18, 147:24, 151:22, 169:7, 170:14, 176:7, 184:22, 184:23, 187:5, 190:18, 190:20, 193:5, 196:10, 197:9, 198:21, 201:23, 202:18, 209:25, 214:9, 221:9, 235:25, 238:24, 239:2, 239:13</p> <p>puts [1] - 156:13</p> <p>putting [5] - 42:14, 170:5, 190:10, 197:20, 198:23</p>
				Q
				QRA [37] - 51:5, 51:7, 51:14, 51:21, 52:1, 52:3, 52:4, 53:20, 54:22, 54:25, 65:19,

72:9, 88:13, 91:6, 95:5, 98:1, 99:12, 99:21, 100:13, 105:19, 105:20, 105:21, 105:23, 106:19, 106:20, 108:3, 108:4, 108:15, 108:16, 109:3, 109:19, 113:2, 116:5, 134:11, 171:13, 181:4, 204:13 qualifications [2] - 152:4, 169:6 quality [1] - 87:14 Quality [4] - 51:7, 51:21, 101:4, 171:15 quantity [7] - 89:19, 90:1, 90:3, 90:9, 149:1, 149:3 questioned [1] - 69:18 questioning [3] - 23:4, 45:24, 161:16 questionnaire [20] - 57:15, 80:11, 80:13, 80:17, 81:7, 81:25, 90:12, 90:17, 92:20, 92:21, 92:24, 183:13, 183:14, 187:18, 189:3, 189:4, 210:7, 211:23, 212:5 Questionnaire [2] - 91:5, 210:3 questionnaires [8] - 59:22, 173:8, 173:9, 173:10, 173:22, 193:9, 210:25, 212:2 questions [21] - 31:1, 31:6, 33:6, 38:1, 63:20, 110:25, 128:11, 128:14, 165:3, 165:9, 165:11, 189:25, 191:15, 193:3, 205:10, 209:22, 212:3, 228:5, 230:17, 236:2 quick [2] - 118:11, 129:4 quickly [2] - 196:20, 234:6 quietly [2] - 43:12, 43:19 Quintero [8] - 106:3, 108:19, 108:22, 171:5, 171:8, 214:22, 214:24, 215:5 Quite [1] - 69:12	quite [5] - 162:23, 226:12, 226:25, 227:3, 238:3 quota [3] - 179:23, 180:3, 180:5 quotas [3] - 179:15, 179:19, 179:21 R Rafalski [13] - 8:16, 9:16, 10:2, 10:8, 10:17, 10:20, 11:11, 11:14, 11:25, 12:9, 12:16, 13:2 Rafalski's [2] - 9:23, 10:8 Rafferty [1] - 2:12 raided [2] - 116:10, 233:16 raids [1] - 117:15 raise [4] - 11:3, 85:25, 124:9, 177:19 raised [4] - 120:21, 124:12, 207:19 raises [1] - 110:2 raising [2] - 43:22, 201:2 ran [3] - 40:21, 40:24, 41:2 Rannazzisi [10] - 17:18, 19:9, 20:1, 20:14, 20:17, 20:20, 37:18, 160:6, 160:10, 169:1 rare [1] - 189:7 rather [3] - 37:16, 42:21, 195:6 rational [3] - 66:2, 66:4, 94:24 rationale [2] - 65:7, 196:15 Rausch [3] - 52:16, 55:2, 133:25 Rausch's [1] - 134:13 re [2] - 55:5, 235:3 re-educate [1] - 55:5 re-move [1] - 235:3 reach [1] - 168:3 reached [2] - 27:24, 30:1 reaction [1] - 79:6 read [12] - 28:12, 28:25, 71:24, 101:2, 107:23, 113:5, 113:6, 114:3, 116:8, 121:3, 126:4, 233:25 readily [1] - 221:9 reads [1] - 118:18 ready [7] - 8:18, 8:23,	30:15, 151:9, 151:19, 237:3, 240:11 real [1] - 129:4 realign [1] - 54:10 realistic [1] - 125:19 really [4] - 7:13, 9:22, 44:10, 238:17 realm [2] - 121:20, 121:21 Reardon [24] - 16:19, 30:18, 30:19, 35:6, 35:7, 36:9, 36:10, 41:2, 41:3, 41:4, 52:12, 52:14, 55:1, 157:1, 157:15, 158:12, 158:16, 162:6, 171:18, 171:25, 181:1, 181:2, 181:3, 190:15 Reardon's [2] - 41:6, 171:15 rearranged [1] - 193:3 reason [17] - 11:3, 18:22, 18:25, 22:8, 22:11, 30:22, 86:15, 87:15, 98:3, 98:9, 98:22, 105:17, 130:6, 146:17, 204:23, 215:14, 215:16 reasonable [2] - 8:25, 94:23 reasons [14] - 7:15, 10:19, 20:10, 30:15, 64:24, 65:2, 65:5, 65:10, 65:11, 66:1, 97:10, 98:24, 98:25 rebar [1] - 195:8 recalling [1] - 158:11 receipt [3] - 20:24, 23:11 receive [5] - 15:3, 23:5, 160:1, 194:20, 217:13 received [11] - 18:23, 18:25, 19:9, 19:12, 20:3, 20:6, 23:3, 84:13, 113:13, 169:18, 192:15 receives [1] - 178:24 recess [3] - 25:20, 25:23, 66:15 Recess [4] - 26:12, 66:16, 119:1, 182:7 recessed [1] - 240:13 recipient [1] - 18:17 reciprocate [1] - 156:15 recognize [25] - 18:1,	34:24, 35:13, 35:14, 35:16, 35:17, 37:5, 37:7, 37:9, 37:22, 46:4, 47:7, 49:25, 68:14, 68:19, 69:3, 70:12, 71:10, 80:25, 100:22, 100:23, 105:7, 105:9, 133:22 recognizing [3] - 84:21, 86:5, 88:3 recollect [3] - 33:17, 107:16, 108:13 recollection [38] - 23:1, 34:3, 37:1, 59:7, 66:9, 68:10, 84:12, 93:24, 94:16, 102:8, 102:13, 116:14, 144:10, 144:21, 158:18, 161:13, 163:4, 166:4, 167:4, 168:7, 198:22, 203:2, 205:16, 215:12, 218:22, 219:7, 219:11, 221:9, 223:11, 223:23, 224:16, 224:18, 224:21, 227:17, 227:20, 229:12, 233:5, 234:17 recommendation [1] - 228:16 recommendations [3] - 50:17, 94:2, 130:2 recommending [1] - 231:16 record [31] - 11:10, 12:20, 14:11, 14:24, 24:25, 28:13, 30:2, 31:13, 31:18, 35:23, 36:9, 38:17, 44:16, 45:25, 46:24, 66:8, 68:24, 69:1, 70:16, 122:20, 124:7, 128:5, 128:6, 129:7, 129:11, 133:6, 137:5, 150:22, 197:17, 213:15, 241:5 recorded [1] - 6:19 records [5] - 70:22, 93:6, 149:3, 172:14, 225:10 red [3] - 82:13, 113:19, 114:24 redirect [2] - 230:22, 237:21 REDIRECT [1] - 231:3 Reed [2] - 6:4, 6:11 refer [2] - 17:3, 17:18	reference [4] - 7:20, 74:21, 159:18, 161:15 referenced [1] - 69:15 references [1] - 233:21 referred [4] - 57:16, 94:11, 94:12, 174:5 referring [5] - 47:4, 98:8, 140:12, 155:6, 160:15 refers [2] - 135:6, 136:9 reflect [2] - 152:3, 170:25 reflected [3] - 98:13, 229:22, 229:23 reflection [1] - 171:3 reflects [3] - 71:15, 155:25, 177:23 refresh [1] - 66:9 refuse [2] - 82:7, 82:10 refused [1] - 222:2 regain [1] - 168:8 regard [15] - 24:4, 44:1, 52:5, 57:20, 58:6, 79:22, 119:12, 119:24, 130:5, 171:17, 181:21, 184:1, 199:24, 208:20, 232:13 regarding [3] - 11:18, 107:21, 210:21 regional [2] - 205:19 registered [10] - 176:12, 176:14, 176:19, 176:22, 176:24, 177:1, 178:15, 178:17, 180:7, 180:10 registrant [7] - 57:25, 76:21, 82:2, 148:12, 149:4, 149:6, 149:9 registrant's [1] - 148:14 registrants [1] - 195:23 registration [13] - 81:2, 86:6, 149:7, 149:11, 166:23, 176:16, 178:15, 180:12, 193:24, 194:2, 194:20, 225:6 registrations [1] - 168:9 regular [7] - 18:13, 18:23, 20:4, 134:7, 134:14, 137:19, 141:9
---	---	---	--	---

<p>regularly [1] - 217:24</p> <p>regulation [5] - 77:2, 77:6, 153:9, 161:4, 164:2</p> <p>regulations [12] - 73:21, 147:11, 177:6, 177:22, 195:4, 195:6, 195:13, 195:15, 195:18, 196:7, 210:21, 230:10</p> <p>regulatory [6] - 54:7, 54:10, 96:13, 159:17, 163:6, 196:1</p> <p>Regulatory [7] - 18:12, 35:11, 51:8, 51:22, 153:16, 171:15, 219:24</p> <p>rejects [1] - 129:8</p> <p>relate [4] - 43:3, 47:23, 146:18, 202:21</p> <p>related [45] - 17:17, 30:21, 34:19, 38:2, 38:4, 41:13, 41:15, 46:20, 47:19, 48:6, 50:19, 67:15, 67:24, 68:6, 68:21, 69:23, 70:24, 71:4, 72:9, 79:13, 80:21, 88:15, 96:5, 109:14, 117:10, 135:15, 144:16, 144:20, 153:21, 153:22, 154:8, 155:23, 165:19, 170:23, 171:16, 192:5, 196:12, 199:22, 199:23, 210:1, 220:15, 234:21, 234:23, 235:19</p> <p>relates [17] - 23:9, 25:1, 38:10, 38:11, 41:11, 42:23, 47:12, 47:13, 47:25, 86:8, 145:10, 145:21, 147:1, 169:25, 177:6, 177:23, 214:14</p> <p>relating [4] - 29:7, 29:13, 118:19, 134:6</p> <p>relation [1] - 161:16</p> <p>relationship [11] - 85:13, 99:7, 106:25, 110:13, 111:3, 112:6, 130:16, 178:20, 186:22, 227:11, 234:25</p> <p>relationships [1] - 161:7</p>	<p>relative [1] - 157:25</p> <p>release [4] - 57:21, 57:24, 57:25</p> <p>released [1] - 99:24</p> <p>relevance [1] - 86:22</p> <p>relevancy [2] - 7:20, 8:3</p> <p>relevant [8] - 42:20, 43:4, 44:6, 80:17, 115:22, 116:23, 117:21, 134:3</p> <p>relied [1] - 232:15</p> <p>relies [1] - 11:8</p> <p>relieve [1] - 76:9</p> <p>rely [3] - 8:9, 8:10, 85:14</p> <p>relying [8] - 10:8, 10:13, 13:16, 31:23, 85:9, 85:11, 143:4</p> <p>remaining [3] - 100:8, 100:10, 123:16</p> <p>Remember [1] - 214:15</p> <p>remember [19] - 23:2, 68:6, 68:8, 107:18, 119:15, 126:22, 144:11, 144:14, 146:20, 170:6, 203:3, 203:24, 204:2, 204:3, 209:22, 229:21, 232:1, 235:9</p> <p>remembers [1] - 166:2</p> <p>remind [2] - 208:20, 219:22</p> <p>removed [1] - 43:2</p> <p>renew [3] - 194:2, 194:3, 194:5</p> <p>repeatedly [1] - 190:23</p> <p>rephrase [3] - 96:22, 161:22, 162:14</p> <p>Report [10] - 27:10, 89:5, 89:12, 89:14, 89:21, 89:24, 90:3, 134:2, 144:2, 181:5</p> <p>report [42] - 39:8, 57:5, 57:22, 58:2, 62:14, 63:2, 63:12, 74:7, 77:5, 77:7, 90:2, 96:14, 100:14, 130:4, 130:12, 131:18, 145:10, 145:11, 145:20, 146:3, 147:6, 147:8, 147:10, 147:11, 147:13, 147:14, 147:15, 160:20, 161:18, 163:7, 168:17, 168:19,</p>	<p>181:5, 188:6, 195:25, 196:5, 216:7, 216:8, 227:25</p> <p>reported [26] - 57:8, 63:16, 63:18, 63:24, 64:1, 77:20, 95:20, 95:23, 96:13, 96:14, 96:16, 104:1, 104:2, 136:18, 136:21, 141:13, 141:16, 150:12, 150:20, 189:16, 200:5, 201:9, 221:21, 222:11, 241:9</p> <p>Reporter [6] - 6:17, 6:18, 241:3, 241:12</p> <p>REPORTER [4] - 14:19, 43:14, 177:8, 177:11</p> <p>reporting [22] - 48:24, 54:8, 74:4, 74:6, 76:19, 76:22, 96:11, 106:19, 147:19, 147:21, 154:21, 157:23, 161:10, 162:1, 180:19, 180:20, 180:24, 195:1, 195:17, 201:12, 220:23</p> <p>Reporting [1] - 76:9</p> <p>Reports [8] - 40:7, 54:11, 138:16, 138:17, 157:25, 160:20, 160:22, 181:12</p> <p>reports [9] - 40:24, 57:13, 74:22, 74:24, 138:9, 199:25, 221:11, 224:3</p> <p>represent [4] - 110:18, 148:1, 165:22, 238:9</p> <p>representation [3] - 107:17, 216:6, 239:10</p> <p>representations [3] - 81:24, 238:11, 239:20</p> <p>represented [3] - 191:6, 238:5, 238:18</p> <p>represents [1] - 176:12</p> <p>request [12] - 32:6, 89:8, 129:1, 170:2, 174:16, 218:1, 218:4, 219:7, 219:12, 221:1, 224:10, 225:11</p> <p>requested [7] - 84:11, 84:12, 146:5, 218:10, 221:7,</p>	<p>236:21, 239:3</p> <p>require [2] - 195:5, 195:18</p> <p>required [12] - 74:7, 80:10, 81:1, 147:6, 147:8, 147:10, 163:2, 170:3, 180:11, 181:5, 188:10, 194:3</p> <p>requirement [10] - 54:8, 65:8, 65:9, 74:1, 74:5, 74:6, 77:11, 96:13, 159:17, 195:17</p> <p>requirements [5] - 76:25, 80:25, 93:14, 93:20, 195:11</p> <p>requires [5] - 77:25, 80:8, 90:10, 164:17, 179:13</p> <p>requiring [2] - 192:11, 210:20</p> <p>reserve [5] - 38:17, 39:1, 121:4, 145:8, 228:3</p> <p>reserved [1] - 28:7</p> <p>resolved [1] - 107:12</p> <p>resource [1] - 52:6</p> <p>resources [4] - 52:7, 52:8, 68:4, 182:15</p> <p>respect [9] - 21:5, 26:4, 38:7, 122:9, 129:23, 130:18, 130:20, 158:8, 215:25</p> <p>respond [3] - 22:20, 48:4, 215:3</p> <p>responding [2] - 201:13, 215:1</p> <p>Response [1] - 240:10</p> <p>response [5] - 92:1, 92:21, 214:23, 219:12, 239:6</p> <p>responses [2] - 122:22, 122:23</p> <p>responsibility [17] - 76:10, 93:17, 97:18, 115:10, 116:3, 177:3, 177:5, 177:21, 177:25, 178:6, 178:7, 179:3, 192:19, 208:12, 208:13, 209:9, 229:24</p> <p>responsible [10] - 8:21, 9:10, 171:13, 172:12, 172:13, 172:14, 172:15, 172:16, 187:14, 204:13</p>	<p>rest [13] - 23:25, 24:5, 75:24, 91:19, 92:7, 103:12, 136:23, 140:6, 155:15, 171:16, 199:24, 218:18, 232:11</p> <p>rested [1] - 28:22</p> <p>result [7] - 67:21, 160:9, 188:11, 229:19, 229:20, 232:2</p> <p>resulted [1] - 116:11</p> <p>resume [4] - 15:13, 33:8, 66:18, 133:16</p> <p>resumed [2] - 66:17, 182:8</p> <p>retail [10] - 112:7, 112:12, 185:1, 185:17, 196:22, 206:4, 206:9, 206:14, 206:15, 207:7</p> <p>Retail [1] - 210:3</p> <p>retain [1] - 165:8</p> <p>retained [2] - 92:13, 93:1</p> <p>retention [2] - 93:6, 150:23</p> <p>retired [1] - 108:21</p> <p>revamp [1] - 34:4</p> <p>revamping [1] - 40:6</p> <p>reverse [1] - 13:21</p> <p>reversed [1] - 132:21</p> <p>Review [1] - 156:11</p> <p>review [35] - 14:16, 14:23, 15:3, 34:17, 48:10, 48:12, 48:13, 64:7, 88:19, 92:18, 130:1, 130:19, 146:2, 151:25, 163:1, 169:17, 186:8, 187:20, 187:22, 197:3, 199:19, 200:2, 200:19, 207:13, 212:15, 212:18, 212:22, 216:5, 220:9, 220:10, 221:2, 224:13, 231:22, 234:5, 235:23</p> <p>reviewed [5] - 64:11, 103:8, 184:11, 221:6, 221:7</p> <p>reviewing [8] - 8:17, 102:6, 102:8, 144:25, 192:10, 214:6, 220:14, 220:19</p> <p>revisit [3] - 7:15,</p>
--	---	--	--	--

<p>215:3, 215:8 revisited [1] - 107:22 revocation [1] - 211:3 revolves [1] - 70:17 Rice [5] - 2:9, 3:14, 4:3, 4:5, 4:8 ride [1] - 183:15 ride-alongs [1] - 183:15 right-hand [1] - 137:12 rightly [1] - 121:16 rights [2] - 7:19, 51:23 rise [1] - 90:5 risk [1] - 11:9 risks [1] - 175:19 RMR [2] - 6:17, 6:18 ROBERT [1] - 6:11 Robert [4] - 18:6, 35:5, 35:10, 37:12 ROBERTSON [1] - 3:6 role [24] - 20:18, 20:23, 23:16, 49:12, 105:21, 106:4, 153:20, 153:24, 154:3, 154:7, 162:23, 171:7, 171:8, 171:11, 171:12, 171:13, 171:18, 171:20, 171:21, 172:1, 174:6, 178:8 rolling [1] - 133:1 Romano [3] - 71:12, 71:18, 71:19 Ron [4] - 68:2, 68:3, 68:9 room [2] - 220:12 root [1] - 61:2 rotational [1] - 75:4 RPR [1] - 6:18 RPR-RMR-CRR-FCRR [1] - 6:18 RPs [1] - 171:14 RUBY [1] - 4:17 Ruby [1] - 4:17 Rule [8] - 8:4, 8:8, 11:17, 12:20, 28:15, 130:8, 130:14 rule [12] - 7:17, 7:19, 7:25, 11:3, 11:5, 21:15, 22:9, 24:18, 32:2, 43:19, 43:24, 122:25 ruled [4] - 27:16, 42:18, 118:14, 130:4 rules [4] - 13:19, 44:24, 170:9, 210:21 ruling [11] - 7:13, 8:14, 13:21, 25:4,</p>	<p>32:12, 39:1, 129:7, 130:24, 132:20, 239:17 rulings [1] - 31:11 run [6] - 39:14, 41:12, 148:8, 185:24, 191:13, 196:19 running [6] - 76:16, 134:10, 156:23, 157:2, 157:6, 162:6 runway [1] - 237:2 Rx [1] - 233:12</p> <p style="text-align: center;">S</p> <p>sAyme [1] - 241:11 sLisa [1] - 241:11 Sacramento [1] - 53:10 SafeScript [2] - 233:13, 233:15 Safeway [2] - 205:23, 205:24 sales [22] - 51:22, 71:20, 78:11, 78:13, 78:17, 85:21, 88:22, 90:13, 183:11, 192:20, 193:14, 193:15, 193:16, 200:19, 200:23, 200:24, 201:2, 201:5, 201:8 Sales [6] - 52:1, 52:3, 52:4, 54:22, 71:22, 95:24 SALGADO [1] - 4:15 San [2] - 2:5, 2:17 sat [1] - 220:11 satisfied [1] - 66:7 satisfy [1] - 115:8 save [1] - 128:23 saved [2] - 150:15, 150:20 saw [2] - 226:18, 234:1 SC [3] - 3:15, 4:4, 4:9 schedule [8] - 9:4, 9:11, 154:20, 181:7, 211:20, 226:9, 229:9, 237:20 Schedule [4] - 60:13, 181:7, 181:13, 181:14 scheduled [2] - 229:9, 236:22 scheduling [6] - 9:7, 9:8, 12:25, 236:12, 239:19, 239:20 Schmidt [2] - 11:1, 14:4</p>	<p>SCHMIDT [4] - 5:9, 11:2, 13:23, 14:5 scope [12] - 38:8, 38:15, 46:9, 106:25, 113:10, 130:16, 145:9, 146:7, 146:15, 146:18, 165:7, 211:11 screen [6] - 17:13, 55:15, 72:21, 148:2, 206:3, 214:9 screens [1] - 212:21 scripts [1] - 233:18 se [1] - 231:15 search [1] - 116:7 seated [1] - 26:15 second [18] - 8:2, 10:18, 13:8, 19:5, 41:25, 47:19, 63:20, 69:7, 90:12, 107:14, 134:22, 151:2, 177:12, 184:3, 214:11, 232:17, 232:22, 233:24 secondary [4] - 86:7, 86:10, 86:13, 88:1 Section [1] - 219:24 section [5] - 17:1, 52:6, 112:16, 112:18, 195:19 sections [2] - 57:4, 182:4 security [8] - 76:25, 172:8, 181:3, 194:24, 195:3, 195:6, 195:11, 195:13 see [55] - 15:24, 15:25, 18:25, 20:18, 30:17, 30:25, 32:6, 37:22, 42:13, 46:11, 52:24, 73:2, 73:17, 87:25, 89:25, 90:1, 90:3, 91:19, 92:8, 97:8, 99:13, 110:3, 110:8, 112:18, 114:16, 114:17, 114:19, 126:8, 132:21, 135:2, 135:22, 136:3, 136:10, 140:9, 141:15, 150:7, 170:5, 172:4, 172:18, 173:16, 190:14, 191:15, 217:6, 218:9, 222:23, 224:3, 224:8, 232:6, 233:22, 234:5, 234:6, 235:14, 237:15, 240:2,</p>	<p>240:12 See [1] - 118:25 seeing [4] - 34:20, 59:23, 114:18, 144:11 seek [2] - 125:8, 175:16 seem [2] - 163:25 sees [1] - 8:1 segment [3] - 60:22, 84:25, 193:17 segmentation [3] - 60:21, 84:24, 87:9 segmented [4] - 59:10, 60:19, 84:8, 85:1 segmenting [1] - 184:25 segments [1] - 59:11 selection [1] - 51:15 self [2] - 149:2, 199:20 Self [1] - 210:3 self-explanatory [1] - 149:2 Self-Questionnaire [1] - 210:3 self-verification [1] - 199:20 sell [1] - 178:16 semester [1] - 97:21 semi [1] - 134:7 semi-regular [1] - 134:7 send [6] - 100:14, 120:15, 120:18, 134:14, 174:17, 227:14 sending [4] - 101:14, 105:25, 208:15, 218:16 SENIOR [1] - 1:17 senior [1] - 81:6 Senior [6] - 7:2, 18:11, 35:11, 53:1, 54:11, 54:15 Sensabaugh [1] - 5:14 sense [3] - 11:23, 132:5, 213:19 sent [11] - 18:24, 26:5, 72:1, 90:12, 91:5, 102:17, 134:4, 139:16, 158:1, 229:13 sentence [1] - 29:11 separate [6] - 22:14, 74:4, 87:7, 121:10, 123:22, 166:23 September [13] - 16:5, 16:23, 20:1, 63:22, 63:23, 158:5, 158:6,</p>	<p>160:9, 160:14, 165:23, 168:25, 190:12, 204:18 sequence [1] - 12:10 sequencing [2] - 11:6, 14:1 serial [1] - 67:24 series [3] - 50:5, 59:21, 71:15 served [8] - 27:5, 27:10, 27:18, 45:19, 153:15, 153:17, 156:1, 156:10 serves [1] - 70:7 service [3] - 42:9, 156:4, 226:18 Services [1] - 154:14 servicing [1] - 115:14 set [19] - 27:25, 29:16, 87:7, 88:6, 91:20, 92:4, 95:12, 120:3, 139:4, 150:1, 179:15, 186:1, 191:19, 193:8, 195:9, 199:1, 199:7, 211:20, 220:19 set-off [1] - 88:6 set-up [1] - 193:8 sets [4] - 55:18, 55:21, 146:6, 197:23 setting [11] - 25:13, 138:11, 138:12, 138:14, 156:21, 184:17, 185:2, 185:11, 185:22, 199:22, 200:25 Settlement [3] - 47:9, 47:18, 169:4 settlement [9] - 42:15, 47:15, 165:4, 168:3, 168:11, 168:15, 168:23, 228:4, 233:2 seven [1] - 230:25 several [14] - 7:15, 20:9, 20:13, 20:14, 20:15, 66:24, 72:23, 101:11, 104:5, 110:1, 110:2, 119:7, 174:5, 220:8 SHANNON [1] - 6:3 shape [1] - 42:9 share [2] - 169:24, 219:14 shelf [3] - 90:9, 179:8, 225:15 shelves [1] - 178:22 shift [1] - 205:9 shifting [1] - 125:21 ship [17] - 63:7, 77:14, 77:17, 77:25, 78:2,</p>
--	--	---	---	--

<p>103:22, 159:17, 167:18, 168:17, 178:18, 179:20, 179:22, 180:6, 180:9, 180:13, 189:20, 225:23</p> <p>shipment [3] - 41:25, 42:1, 181:15</p> <p>shipments [2] - 181:19, 181:25</p> <p>shipped [9] - 10:4, 65:23, 77:21, 159:8, 159:11, 181:9, 181:10, 189:17, 230:14</p> <p>shipping [2] - 39:12, 77:3</p> <p>ships [1] - 178:21</p> <p>Shoppe [22] - 110:8, 110:11, 110:13, 110:16, 110:19, 111:4, 111:6, 111:11, 111:13, 111:20, 112:3, 112:7, 114:7, 114:8, 114:12, 114:20, 149:19, 209:22, 209:24, 210:4, 214:14, 233:17</p> <p>shopping [1] - 104:10</p> <p>short [1] - 237:16</p> <p>shorthand [1] - 92:17</p> <p>shortly [2] - 67:7, 158:6</p> <p>shot [1] - 10:18</p> <p>Show [2] - 166:17, 166:19</p> <p>show [18] - 41:21, 41:25, 42:1, 42:12, 45:25, 70:21, 110:18, 114:8, 145:4, 145:7, 170:3, 176:6, 189:22, 211:5, 214:21, 221:11, 226:8, 226:10</p> <p>showed [2] - 123:11, 233:8</p> <p>showing [7] - 10:3, 23:6, 32:19, 32:23, 36:19, 129:13, 169:16</p> <p>shown [3] - 169:12, 214:13, 235:5</p> <p>shows [2] - 22:25, 23:2</p> <p>shut [3] - 116:13, 116:25, 233:16</p> <p>shutdown [2] - 117:11, 117:22</p>	<p>shuts [1] - 117:15</p> <p>side [3] - 55:24, 129:4, 181:4</p> <p>side-bar [1] - 129:4</p> <p>sign [2] - 82:25, 210:20</p> <p>signature [1] - 71:23</p> <p>signed [3] - 45:3, 45:6, 47:20</p> <p>significant [8] - 46:18, 70:24, 98:1, 98:2, 114:14, 114:18, 116:6, 149:24</p> <p>significantly [1] - 156:9</p> <p>similar [3] - 130:3, 137:9, 197:23</p> <p>Simmons [9] - 151:9, 151:19, 151:22, 156:19, 169:10, 176:7, 182:24, 186:5, 187:5</p> <p>simply [3] - 13:23, 92:16, 111:22</p> <p>SINGER [1] - 4:5</p> <p>single [2] - 87:13, 181:8</p> <p>sit [2] - 226:9, 239:1</p> <p>site [27] - 80:8, 91:15, 91:21, 91:25, 92:3, 92:4, 94:3, 172:14, 174:18, 174:19, 188:7, 188:13, 188:25, 189:6, 193:11, 202:1, 202:4, 202:6, 202:20, 212:9, 216:7, 216:8, 223:9, 229:14, 229:17, 229:22, 231:22</p> <p>sits [1] - 179:8</p> <p>sitting [2] - 43:12, 43:18</p> <p>situation [3] - 10:12, 131:21, 164:17</p> <p>situations [1] - 84:2</p> <p>six [1] - 53:5</p> <p>size [18] - 59:16, 59:18, 59:19, 59:25, 60:21, 60:22, 74:8, 74:10, 74:14, 74:17, 75:1, 75:6, 75:16, 100:13, 139:6, 148:20, 193:17</p> <p>sizes [2] - 95:2, 185:2</p> <p>skipping [1] - 51:20</p> <p>skirts [1] - 110:20</p> <p>sleep [1] - 123:4</p> <p>slide [13] - 50:15, 50:18, 53:8, 53:11,</p>	<p>55:24, 73:18, 76:13, 97:5, 104:7, 104:20, 105:2, 149:16, 155:25</p> <p>slides [17] - 35:14, 50:5, 71:16, 72:12, 101:9, 101:17, 101:18, 101:25, 102:2, 102:3, 102:9, 102:23, 104:20, 105:1, 105:3, 192:13, 193:2</p> <p>small [4] - 60:1, 117:17, 117:20, 195:19</p> <p>smaller [1] - 205:19</p> <p>Smith [2] - 6:4, 6:11</p> <p>snapshot [2] - 212:16, 212:17</p> <p>sneaky [1] - 193:5</p> <p>society [1] - 79:7</p> <p>sole [1] - 29:3</p> <p>solid [1] - 172:5</p> <p>SOM [19] - 34:4, 49:6, 49:19, 78:13, 134:2, 143:6, 196:10, 198:14, 198:20, 206:7, 213:20, 219:13, 220:12, 220:15, 221:11, 221:15, 223:25, 224:3, 226:1</p> <p>someone [8] - 18:13, 21:9, 62:2, 85:25, 86:11, 90:6, 131:17, 238:17</p> <p>Sometime [1] - 109:1</p> <p>sometime [1] - 67:13</p> <p>Sometimes [1] - 83:25</p> <p>sometimes [5] - 83:25, 84:5, 187:7, 226:7</p> <p>somewhat [1] - 72:8</p> <p>somewhere [2] - 108:24, 235:11</p> <p>SOMS [7] - 61:4, 84:17, 85:4, 135:2, 144:16, 144:25, 146:3</p> <p>SOP [24] - 196:15, 196:22, 197:5, 197:19, 197:20, 197:22, 197:25, 198:19, 199:19, 199:22, 199:23, 200:8, 201:12, 201:14, 202:1, 202:2, 202:5, 202:8, 202:19, 202:20, 202:21, 203:16,</p>	<p>203:19, 204:23</p> <p>SOPs [8] - 196:11, 196:13, 196:14, 196:19, 202:24, 203:7, 205:8, 220:14</p> <p>SOR [1] - 148:9</p> <p>sorry [37] - 14:19, 21:7, 26:3, 26:16, 37:8, 40:11, 43:14, 43:16, 47:13, 48:19, 53:7, 58:13, 60:20, 61:9, 61:14, 73:11, 93:11, 100:19, 111:17, 115:21, 133:24, 136:9, 139:22, 140:13, 146:22, 147:13, 152:16, 155:13, 158:22, 162:9, 164:9, 172:6, 177:16, 196:25, 203:22, 231:11, 239:14</p> <p>sort [9] - 57:16, 58:16, 62:19, 73:23, 94:3, 98:9, 114:19, 134:22, 213:16</p> <p>sought [1] - 125:4</p> <p>sources [1] - 212:9</p> <p>South [1] - 2:13</p> <p>Southern [1] - 7:3</p> <p>SOUTHERN [1] - 1:1</p> <p>span [1] - 136:23</p> <p>speaks [1] - 232:23</p> <p>special [6] - 27:15, 107:25, 108:2, 108:6, 240:5</p> <p>Special [2] - 68:23, 145:13</p> <p>specialty [1] - 175:12</p> <p>specific [20] - 11:7, 22:11, 29:7, 65:8, 65:9, 68:10, 75:21, 75:22, 79:18, 116:15, 120:1, 121:10, 126:22, 164:21, 167:11, 212:19, 213:21, 228:12</p> <p>specifically [8] - 8:5, 29:17, 47:20, 86:3, 129:8, 130:8, 214:13, 235:9</p> <p>Specifically [1] - 209:24</p> <p>specification [1] - 78:6</p> <p>specificity [1] - 204:4</p> <p>specifics [4] - 48:13, 85:7, 160:4, 161:15</p>	<p>specified [1] - 30:23</p> <p>specify [2] - 31:16, 196:7</p> <p>speculating [1] - 194:15</p> <p>speculation [2] - 117:4, 222:13</p> <p>spend [2] - 46:18, 156:3</p> <p>spent [2] - 132:25, 156:21</p> <p>split [3] - 13:14, 57:4, 171:21</p> <p>split-offs [1] - 57:4</p> <p>splitting [1] - 8:24</p> <p>sponsoring [12] - 28:23, 69:22, 120:4, 120:25, 121:13, 122:12, 123:18, 124:16, 124:17, 125:4, 127:21, 128:9</p> <p>spot [2] - 112:16, 213:10</p> <p>spots [3] - 107:21, 110:3, 110:5</p> <p>spreadsheet [1] - 147:24</p> <p>spring [1] - 67:13</p> <p>Square [2] - 6:5, 6:12</p> <p>staff [7] - 52:12, 65:19, 182:18, 200:24, 201:2, 201:5, 201:8</p> <p>Stafford [2] - 41:15, 166:20</p> <p>stage [2] - 156:22, 186:12</p> <p>stages [4] - 82:20, 92:11, 138:19, 183:20</p> <p>stand [9] - 15:13, 28:10, 30:6, 33:8, 44:11, 66:19, 123:19, 133:17, 236:25</p> <p>standard [5] - 84:22, 153:6, 204:10, 204:12, 207:13</p> <p>Standard [1] - 196:11</p> <p>stands [1] - 108:11</p> <p>STANNER [1] - 5:10</p> <p>start [8] - 18:2, 21:6, 58:9, 84:25, 120:7, 133:23, 183:2, 238:6</p> <p>started [5] - 12:14, 48:15, 107:15, 108:24, 213:6</p> <p>starts [4] - 28:3, 56:1, 87:11, 105:2</p> <p>State [9] - 63:19, 64:2,</p>
---	---	---	--	--

143:9, 143:12, 143:19, 156:10, 166:7, 180:8, 180:10 state [12] - 28:9, 28:10, 80:25, 81:1, 113:3, 154:5, 156:15, 156:16, 180:11, 196:1, 208:18, 209:5 statement [27] - 24:11, 32:13, 36:3, 43:8, 45:1, 51:6, 76:14, 76:18, 97:5, 102:16, 106:24, 114:17, 120:14, 130:7, 130:9, 130:10, 130:15, 131:11, 131:14, 131:16, 132:5, 132:11, 132:13, 140:15, 159:2, 198:11 statements [5] - 32:3, 45:5, 131:16, 131:21, 131:22 STATES [2] - 1:1, 1:17 states [2] - 8:8, 129:24 States [3] - 7:2, 39:6, 79:20 statistics [1] - 60:17 STATUS [1] - 1:17 Status [1] - 7:2 statute [1] - 155:14 statutes [1] - 153:6 statutory [4] - 74:1, 159:16, 159:18, 163:5 stay [1] - 151:13 stenography [1] - 6:19 step [2] - 61:4, 73:23 Step [3] - 61:6, 63:4 steps [3] - 64:21, 154:8, 202:3 Steve [17] - 30:18, 30:19, 35:5, 118:22, 120:15, 125:1, 157:1, 171:14, 171:20, 172:5, 172:7, 172:17, 180:25, 181:1, 181:2, 181:4 STEVEN [1] - 4:17 stick [2] - 64:17, 132:20 still [21] - 12:8, 15:14, 27:11, 31:20, 33:2, 62:3, 62:5, 62:10, 69:22, 77:14, 83:10, 83:17, 83:19, 102:21, 133:17, 139:15, 145:24,	158:21, 214:6 Still [1] - 83:19 stimulant [1] - 114:15 stimulants [1] - 116:6 stipulate [1] - 25:1 stipulated [11] - 8:24, 35:20, 69:14, 69:18, 69:21, 70:16, 70:20, 70:22, 122:10, 122:11, 125:8 stipulates [1] - 124:24 stipulation [35] - 8:24, 12:4, 24:15, 24:17, 24:22, 27:25, 28:8, 28:20, 28:21, 31:4, 31:6, 32:4, 118:17, 119:13, 119:23, 120:1, 120:6, 120:22, 121:9, 121:20, 123:10, 123:12, 123:22, 123:24, 124:6, 124:11, 124:23, 125:9, 127:14, 127:18, 128:9, 128:10, 128:20 stipulations [9] - 32:15, 119:14, 121:3, 121:11, 123:15, 123:20, 124:5, 126:4, 126:20 stood [1] - 28:19 stop [1] - 204:16 stopping [1] - 118:7 storage [1] - 49:17 store [5] - 81:22, 84:4, 84:7, 206:24, 215:10 stores [4] - 81:16, 84:23, 205:18, 207:18 storing [1] - 49:14 story [5] - 91:19, 91:20, 92:7, 199:24, 218:18 strategic [1] - 30:15 Street [15] - 2:7, 2:10, 2:13, 3:5, 3:7, 3:10, 3:12, 4:6, 4:13, 4:15, 4:18, 5:5, 5:12, 6:6, 6:13 streets [1] - 77:14 strength [2] - 148:23, 232:15 strike [2] - 96:15, 164:15 strong [1] - 235:16 structure [3] - 50:20, 206:13, 206:16 student [1] - 97:21 stuff [1] - 121:7	sub [4] - 87:1, 87:9, 185:2 sub-setting [1] - 185:2 subcategorize [1] - 59:15 subcategorizing [2] - 139:5 subject [10] - 7:22, 8:6, 19:17, 20:22, 81:12, 128:20, 129:2, 129:5, 130:10, 130:24 subjected [2] - 143:6, 143:7 submission [3] - 143:11, 143:14, 145:5 submit [11] - 10:21, 20:7, 46:14, 69:19, 122:22, 122:23, 128:22, 132:2, 161:3, 190:11, 194:7 submitted [9] - 40:21, 40:24, 128:21, 143:8, 145:7, 181:6, 210:4, 222:17, 222:18 subpoena [4] - 27:6, 29:21, 120:15, 239:7 subpoenas [1] - 27:10 substance [11] - 79:7, 79:22, 81:1, 96:5, 96:8, 176:21, 177:24, 178:17, 180:12, 181:9, 211:12 Substance [1] - 47:21 substances [33] - 59:21, 60:10, 60:13, 77:8, 79:24, 79:25, 81:19, 87:7, 94:21, 96:2, 96:4, 96:6, 96:9, 96:17, 97:3, 98:16, 100:16, 108:10, 112:4, 153:21, 155:5, 167:19, 178:12, 178:14, 179:10, 185:19, 195:23, 207:10, 208:21, 213:20, 219:5, 228:25, 233:12 Substances [10] - 73:20, 74:2, 162:7, 162:17, 162:20, 162:22, 163:3, 163:11, 163:24, 230:10 substantial [1] - 11:9 substantially [2] -	74:11, 75:7 substantive [1] - 93:18 sufficient [1] - 83:8 suggesting [2] - 128:12, 128:17 suggestion [1] - 62:18 Suite [9] - 2:4, 2:7, 2:10, 2:13, 2:16, 3:17, 4:6, 6:5, 6:12 summaries [1] - 137:9 summary [7] - 89:15, 89:17, 92:16, 134:23, 137:13, 137:16, 152:6 supplier [1] - 88:2 suppliers [2] - 218:10, 218:12 supplies [2] - 175:4, 175:11 Supply [1] - 53:1 supply [4] - 54:11, 73:5, 176:4, 211:8 supplying [2] - 82:3, 205:14 support [3] - 99:14, 187:23 supposed [5] - 13:3, 44:11, 197:24, 203:9, 238:19 surpass [1] - 103:25 surprise [2] - 22:5, 26:7 surprised [2] - 25:23, 26:5 survey [1] - 196:23 suspect [2] - 148:12, 156:2 suspected [1] - 107:21 suspended [1] - 66:25 Suspension [3] - 16:16, 67:11, 107:8 suspension [2] - 165:24, 211:2 Suspicious [14] - 55:19, 58:24, 77:19, 130:2, 130:12, 144:18, 148:10, 157:17, 157:25, 167:25, 168:16, 182:22, 196:8, 227:18 suspicious [69] - 9:23, 39:8, 63:11, 63:15, 63:18, 63:23, 64:1, 74:7, 76:9, 76:19, 76:22, 77:3, 77:6, 77:7, 77:15, 77:17, 77:19, 77:20, 77:25,	78:3, 91:18, 95:8, 95:9, 95:12, 95:20, 95:22, 96:11, 96:12, 96:14, 104:2, 135:4, 136:9, 136:13, 136:18, 141:12, 141:15, 147:7, 148:5, 150:12, 157:24, 159:7, 159:11, 159:17, 159:18, 161:8, 161:10, 161:18, 162:2, 163:8, 168:17, 189:8, 189:10, 189:15, 189:20, 195:1, 195:17, 195:19, 195:23, 195:25, 196:5, 200:5, 201:9, 201:12, 220:23, 221:21, 222:10, 227:8, 227:25 sustain [9] - 21:17, 24:4, 47:1, 70:9, 71:6, 78:8, 96:25, 162:13, 191:11 Sustained [2] - 114:4, 117:7 sustained [8] - 121:19, 126:12, 126:15, 127:5, 128:4, 143:20, 235:22 SUZANNE [1] - 4:15 SVP [3] - 108:15, 215:2 swath [1] - 188:20 Swedesboro [5] - 41:14, 53:10, 166:12, 166:14, 223:12 switch [2] - 66:13, 83:11 switched [1] - 164:10 Syracuse [1] - 19:7 system [192] - 34:5, 34:15, 39:5, 39:7, 39:14, 39:16, 39:22, 40:6, 40:7, 40:12, 40:14, 40:15, 40:16, 40:18, 40:20, 42:12, 42:25, 47:22, 47:24, 48:10, 48:12, 48:13, 48:15, 48:18, 48:23, 48:24, 49:2, 49:6, 49:19, 51:1, 51:16, 53:12, 53:18, 55:22, 56:9, 56:10, 56:24, 57:2, 57:9, 57:11, 58:17, 59:2, 59:6,
--	---	---	--	--

61:3, 61:22, 62:3, 62:24, 63:6, 64:4, 64:9, 66:24, 67:18, 67:19, 67:20, 67:23, 68:2, 68:7, 74:13, 74:17, 74:20, 74:21, 74:25, 75:9, 75:10, 77:7, 78:12, 78:13, 80:4, 84:17, 85:4, 86:5, 86:21, 87:6, 87:24, 89:18, 90:19, 90:20, 90:22, 90:25, 91:4, 92:11, 92:13, 93:5, 93:16, 94:25, 95:1, 96:3, 97:20, 103:17, 103:20, 103:23, 111:7, 114:22, 136:6, 137:1, 138:3, 138:19, 138:20, 138:24, 139:2, 139:4, 139:22, 140:3, 140:20, 141:9, 141:19, 141:20, 141:22, 143:12, 143:15, 144:25, 150:16, 150:21, 154:21, 155:10, 157:23, 158:10, 158:25, 160:13, 161:13, 161:25, 162:4, 162:5, 162:10, 163:7, 163:9, 163:10, 163:13, 163:21, 163:22, 164:25, 172:19, 172:22, 172:23, 172:25, 178:18, 183:4, 184:3, 184:4, 184:6, 184:7, 184:8, 186:18, 190:20, 191:3, 191:5, 191:22, 193:17, 195:22, 196:10, 196:12, 197:5, 203:8, 203:11, 203:15, 206:1, 213:6, 219:14, 219:15, 220:9, 220:10, 220:13, 220:15, 221:2, 221:11, 221:15, 223:25, 224:1, 224:3, 224:6, 226:1, 230:5, 231:6, 231:19, 232:5, 232:11, 232:16, 232:17, 232:19, 234:9 System [24] - 52:20,	55:20, 58:25, 130:3, 130:13, 156:24, 157:18, 158:10, 160:15, 160:16, 160:18, 160:19, 168:1, 175:25, 176:1, 176:3, 176:11, 178:9, 178:10, 179:15, 182:22, 196:8, 206:4, 227:18 systemic [8] - 42:2, 42:11, 42:20, 42:23, 43:3, 44:20, 48:1, 146:25 systemically [1] - 79:19 systems [11] - 41:8, 85:8, 93:6, 140:4, 140:5, 144:16, 146:3, 146:7, 146:9, 213:8 Systems [1] - 101:4 T table [2] - 10:3, 236:1 TAC [5] - 107:22, 107:25, 109:3, 109:18, 109:19 tactical [1] - 10:15 tactics [1] - 13:7 tag [1] - 111:6 talks [2] - 97:7, 146:6 Team [11] - 53:9, 65:19, 160:1, 174:14, 174:18, 174:23, 174:24, 174:25, 175:2, 181:18, 181:24 team [51] - 18:4, 40:1, 40:2, 40:3, 41:4, 57:14, 57:19, 64:22, 65:14, 65:19, 66:2, 68:3, 75:5, 76:7, 80:15, 80:16, 83:6, 83:7, 83:19, 84:14, 88:6, 91:10, 91:17, 91:21, 92:5, 97:18, 99:18, 105:19, 105:20, 105:21, 105:23, 138:5, 140:6, 141:6, 141:24, 144:22, 147:18, 174:25, 183:10, 186:11, 207:12, 207:17, 213:14, 221:22, 225:23, 226:11, 229:11, 229:13,	234:14 teasing [1] - 90:11 technological [1] - 76:1 technologically [1] - 15:10 technology [4] - 39:25, 97:22, 172:23, 184:6 teed [1] - 237:2 TEMITOPE [1] - 4:8 ten [2] - 66:15, 182:5 ten-minute [1] - 182:5 tend [1] - 81:10 tender [2] - 122:19, 128:20 tendering [1] - 128:15 tense [1] - 171:9 Tenth [1] - 5:12 tenure [3] - 63:21, 96:10, 182:18 term [12] - 48:22, 55:19, 59:12, 125:3, 138:23, 144:17, 146:20, 146:24, 154:1, 177:5, 197:5, 211:7 terminate [3] - 58:4, 222:5 terminated [4] - 96:1, 96:16, 97:3, 222:7 terms [17] - 22:5, 81:23, 84:7, 84:20, 87:18, 131:21, 139:10, 156:1, 156:22, 157:2, 157:5, 165:22, 169:4, 184:17, 185:18, 202:5, 203:9 test [6] - 41:19, 142:13, 192:10, 192:11, 192:24 testified [21] - 12:9, 13:5, 17:11, 17:17, 20:17, 23:1, 27:10, 34:20, 102:1, 110:14, 127:10, 127:11, 139:23, 145:18, 146:10, 167:23, 191:2, 203:18, 204:11, 225:5, 235:5 testifies [2] - 10:18, 13:9 testify [6] - 12:17, 28:6, 127:16, 127:25, 163:17, 239:1 testifying [4] - 8:19, 110:23, 127:8,	161:12 testimonies [1] - 10:10 testimony [20] - 8:17, 8:21, 8:25, 10:7, 10:9, 13:15, 21:9, 22:4, 22:17, 30:20, 38:4, 41:11, 41:12, 96:21, 125:25, 128:18, 128:24, 129:3, 143:17, 204:14 testing [1] - 193:2 tests [2] - 38:14, 175:18 Texas [3] - 41:15, 166:20, 166:21 text [1] - 233:24 THE [268] - 1:1, 1:1, 1:4, 1:17, 7:6, 7:9, 7:11, 11:1, 13:17, 14:3, 14:8, 14:14, 14:25, 15:5, 15:10, 15:16, 15:17, 17:15, 21:12, 21:14, 22:7, 23:5, 23:19, 23:25, 24:3, 24:7, 24:12, 24:17, 24:21, 25:4, 25:10, 25:17, 25:22, 26:1, 26:8, 26:11, 27:1, 27:4, 27:8, 30:4, 31:8, 32:5, 32:18, 33:4, 33:8, 33:22, 34:8, 34:11, 35:15, 36:5, 36:12, 36:16, 36:18, 38:19, 38:23, 39:1, 41:9, 42:19, 43:25, 44:8, 44:11, 44:14, 44:18, 44:25, 45:11, 45:25, 46:21, 46:25, 47:4, 47:16, 47:25, 48:5, 49:22, 53:17, 53:18, 55:13, 66:14, 66:18, 66:20, 68:12, 69:3, 69:10, 69:17, 70:1, 70:9, 71:6, 71:15, 72:17, 72:19, 75:25, 78:7, 93:10, 93:15, 93:19, 93:22, 94:5, 94:8, 96:22, 96:25, 101:22, 102:24, 102:25, 103:1, 103:2, 103:5, 103:10, 104:17, 104:19, 104:21, 104:22, 104:24, 106:13, 106:17, 106:21, 107:2, 110:24, 113:11,	113:12, 114:4, 117:7, 118:5, 118:9, 118:13, 118:25, 119:4, 119:15, 119:20, 121:3, 121:6, 122:2, 123:20, 124:3, 125:10, 125:14, 126:2, 126:9, 126:20, 126:24, 127:14, 129:14, 129:17, 129:20, 129:22, 130:21, 132:19, 132:25, 133:7, 133:13, 133:16, 133:19, 134:19, 137:25, 142:11, 142:16, 142:21, 142:24, 143:20, 145:13, 145:15, 145:16, 145:24, 146:16, 146:24, 147:1, 151:3, 151:6, 151:13, 151:16, 151:21, 161:21, 162:13, 163:16, 164:6, 164:9, 164:16, 165:11, 165:14, 166:2, 166:4, 169:21, 170:5, 170:12, 170:14, 173:15, 173:18, 175:21, 175:22, 176:9, 177:10, 177:12, 177:15, 177:17, 177:21, 182:5, 182:9, 190:4, 190:7, 191:11, 191:15, 194:16, 194:17, 197:13, 198:5, 198:8, 198:10, 198:11, 199:11, 199:14, 200:13, 200:16, 201:18, 201:21, 202:13, 202:16, 203:20, 203:22, 204:1, 204:3, 204:7, 205:2, 205:4, 205:6, 209:15, 209:18, 210:12, 210:15, 211:13, 211:15, 211:18, 211:19, 211:21, 213:25, 214:3, 215:20, 215:23, 217:1, 217:4, 222:15, 222:16, 222:19, 228:6, 230:18,
--	---	--	---	--

<p>230:22, 230:25, 231:2, 233:1, 233:2, 235:9, 235:14, 235:22, 236:3, 236:6, 236:9, 236:14, 236:16, 236:17, 237:4, 237:9, 237:12, 237:24, 238:14, 239:4, 239:7, 239:12, 239:23, 240:1, 240:9, 240:11 themselves [5] - 65:10, 85:5, 85:8, 155:12, 179:2 theoretically [1] - 127:24 thereafter [1] - 67:7 thereby [1] - 179:2 therefore [1] - 229:24 Therefore [2] - 116:19, 118:17 They've [1] - 239:19 they've [1] - 14:23 third [10] - 8:8, 42:1, 120:10, 122:14, 123:15, 123:25, 133:11, 136:8, 143:4, 143:5 third-party [4] - 122:14, 123:25, 143:4, 143:5 Thomas [1] - 2:12 Three [1] - 6:5 three [24] - 6:12, 27:9, 27:18, 28:2, 28:12, 52:12, 52:21, 60:14, 61:1, 61:2, 64:17, 93:23, 97:20, 121:10, 124:12, 139:15, 143:10, 158:13, 158:16, 194:4, 205:25, 225:6, 225:7, 234:17 three-year [3] - 194:4, 225:6, 225:7 threshold [98] - 56:17, 56:21, 56:22, 56:24, 57:1, 57:13, 61:5, 62:1, 62:8, 64:5, 64:7, 64:20, 64:23, 64:25, 65:3, 74:16, 74:19, 74:21, 74:22, 74:23, 74:25, 75:13, 75:15, 75:16, 75:17, 75:19, 83:3, 86:2, 86:4, 86:5, 86:11, 86:12, 86:16, 86:20, 86:24, 87:7, 87:15, 87:24, 88:1, 88:4,</p>	<p>88:5, 88:14, 88:15, 93:13, 93:20, 95:16, 97:7, 97:11, 97:13, 98:3, 98:5, 98:10, 98:23, 98:25, 99:1, 99:2, 99:24, 99:25, 100:1, 100:4, 100:7, 100:9, 103:25, 117:24, 135:6, 135:8, 135:10, 135:11, 136:5, 138:9, 138:24, 140:1, 140:8, 140:10, 140:18, 174:13, 184:18, 184:19, 185:11, 185:22, 186:1, 198:20, 199:19, 199:20, 199:22, 199:23, 200:2, 200:19, 201:13, 207:13, 211:17, 212:14, 212:19, 212:22 thresholds [41] - 56:12, 58:20, 58:22, 59:6, 59:8, 64:7, 64:16, 65:18, 83:5, 84:25, 85:18, 85:20, 86:1, 86:18, 87:2, 94:4, 138:7, 138:11, 138:14, 138:16, 139:3, 139:11, 139:20, 139:23, 143:3, 150:1, 184:13, 184:17, 185:3, 185:5, 193:20, 199:2, 199:4, 199:7, 200:25, 201:3, 207:9, 207:18, 207:19, 220:20 throes [1] - 139:8 throughout [1] - 136:23 throw [1] - 146:11 thumb [3] - 15:3, 15:9, 221:10 Thursday [1] - 238:20 Tim [1] - 52:16 timeline [2] - 107:6, 165:22 timetable [1] - 156:22 timing [2] - 99:16, 215:25 TIMOTHY [1] - 5:9 tired [1] - 240:11 title [4] - 50:18, 71:19, 73:18, 154:14 today [7] - 20:16, 93:4,</p>	<p>102:13, 138:25, 219:13, 220:17, 240:9 Todd [3] - 16:25, 17:9, 157:5 together [8] - 94:1, 156:13, 190:20, 196:10, 197:20, 198:21, 198:24, 229:11 tomorrow [7] - 236:20, 236:23, 237:23, 238:10, 238:15, 239:22, 240:3 tonight [2] - 123:7, 240:7 Tony [1] - 71:11 took [13] - 15:14, 48:10, 60:7, 60:13, 60:21, 62:16, 81:6, 158:9, 165:17, 172:23, 173:23, 184:20, 229:12 tool [1] - 155:2 tools [2] - 138:5, 200:4 tooth [1] - 130:25 top [9] - 82:18, 82:23, 84:16, 111:11, 114:23, 115:17, 184:10, 229:13, 232:13 topics [1] - 66:13 total [7] - 10:6, 59:19, 59:20, 81:17, 90:1, 90:3, 233:12 totality [20] - 65:11, 76:20, 82:15, 82:22, 91:20, 92:14, 92:18, 96:2, 96:6, 96:17, 97:4, 102:6, 113:21, 117:25, 118:2, 118:3, 184:20, 186:23, 189:12, 207:20 totally [3] - 9:7, 185:14, 185:16 toward [1] - 213:13 towards [1] - 166:5 Tower [2] - 3:4, 4:18 town [6] - 116:10, 117:17, 117:19, 117:20, 237:10 track [2] - 30:22, 140:3 tracked [5] - 139:21, 140:1, 140:11, 140:20, 141:12 tracking [1] - 139:23 train [1] - 188:21</p>	<p>Training [1] - 71:22 training [9] - 51:15, 71:21, 72:6, 72:9, 192:4, 192:8, 192:15, 196:17, 207:25 transactional [1] - 9:25 transcript [3] - 6:19, 127:4, 241:4 transcripts [1] - 11:14 transition [1] - 151:12 transitioning [1] - 81:21 transparent [1] - 221:14 treated [6] - 99:10, 112:7, 112:9, 112:12, 184:22, 207:7 Treated [1] - 112:11 tremendous [1] - 128:23 trends [2] - 41:25, 42:1 Trial [1] - 240:13 trial [18] - 8:12, 21:22, 27:19, 28:6, 29:3, 29:5, 29:8, 29:9, 29:15, 29:18, 29:21, 118:21, 120:7, 120:11, 125:1, 131:3, 132:2, 132:9 TRIAL [1] - 1:16 tried [3] - 53:4, 156:3, 237:14 trigger [3] - 61:25, 65:22, 135:9 triggered [2] - 61:23, 61:24 triggering [19] - 58:17, 59:2, 61:3, 61:5, 61:6, 61:20, 62:10, 74:13, 75:13, 75:18, 91:23, 95:17, 103:20, 103:23, 135:17, 135:25, 136:5, 136:16, 136:20 triggers [2] - 62:3, 62:19 triple [1] - 60:11 tripled [1] - 60:9 tripling [1] - 139:6 true [3] - 8:2, 45:6, 86:24 truncated [1] - 128:18 truth [13] - 11:22, 15:15, 23:7, 24:9, 32:14, 32:21, 36:4,</p>	<p>43:10, 44:5, 106:16, 106:17, 131:2, 132:14 try [10] - 12:7, 21:22, 45:12, 55:5, 129:15, 143:11, 187:3, 196:19, 231:1, 237:15 trying [14] - 7:7, 22:18, 26:20, 29:24, 42:2, 54:20, 63:1, 77:23, 81:7, 118:1, 129:10, 173:13, 206:23, 237:9 Turn [1] - 73:11 turn [19] - 19:22, 21:6, 37:19, 47:19, 52:23, 54:19, 55:8, 69:7, 73:1, 78:10, 80:1, 86:12, 97:6, 103:15, 104:4, 134:22, 136:8, 197:1, 214:11 Twelfth [3] - 4:13, 4:15, 5:5 twice [3] - 12:7, 30:13, 152:10 two [40] - 13:7, 16:6, 16:8, 16:10, 16:13, 22:14, 22:16, 38:4, 41:22, 49:18, 53:4, 57:4, 72:5, 73:23, 80:25, 90:8, 93:6, 106:2, 112:21, 112:23, 123:16, 127:1, 131:9, 131:13, 136:21, 137:4, 156:1, 161:12, 166:9, 171:21, 208:9, 212:2, 216:21, 223:2, 223:3, 223:4, 233:25 two-step [1] - 73:23 type [17] - 85:4, 91:3, 99:13, 118:1, 137:9, 138:15, 148:23, 166:25, 184:24, 188:5, 188:19, 191:24, 207:1, 210:7, 211:9, 212:6, 213:16 types [7] - 59:23, 81:5, 153:1, 175:8, 188:22, 212:2, 232:12</p>
U				
<p>ultimately [5] - 30:12, 57:10, 68:22, 168:3,</p>				

181:11 unclear [1] - 51:22 under [23] - 13:19, 13:20, 15:14, 45:1, 47:24, 52:7, 63:6, 80:4, 82:11, 85:20, 112:16, 118:17, 131:15, 133:17, 136:6, 162:6, 163:2, 171:20, 180:25, 231:6, 238:17, 239:7 underlie [1] - 8:18 underneath [2] - 172:18, 205:18 understood [4] - 127:4, 158:9, 161:9, 214:23 undertake [1] - 177:25 undoubtedly [4] - 101:18, 141:20, 144:24, 204:5 undue [1] - 11:21 unduly [1] - 240:4 unfair [1] - 75:12 unfairness [1] - 46:19 unfortunate [1] - 174:9 unique [3] - 11:4, 59:9, 84:22 unit [1] - 188:19 United [3] - 7:2, 39:6, 79:20 UNITED [2] - 1:1, 1:17 units [2] - 10:3, 10:6 universally [1] - 7:19 University [1] - 152:9 unless [5] - 22:7, 22:11, 94:21, 204:13, 217:15 unresolved [2] - 29:13, 118:19 unusual [13] - 12:6, 12:10, 13:14, 74:8, 74:10, 74:11, 74:14, 74:17, 74:20, 75:6, 75:7, 75:23, 75:24 unwieldiness [1] - 12:2 unwieldy [1] - 11:10 up [82] - 7:17, 8:25, 13:14, 13:25, 14:9, 15:5, 30:7, 30:18, 30:24, 44:11, 55:12, 55:15, 55:23, 56:18, 58:8, 65:7, 66:10, 72:21, 73:16, 75:11, 80:20, 82:12, 83:8, 86:12, 91:20, 92:4, 99:24, 100:5, 105:1, 107:20, 108:23,	119:11, 120:12, 122:7, 122:18, 123:11, 124:11, 126:6, 127:21, 128:18, 139:11, 141:15, 142:10, 146:3, 147:24, 151:22, 154:14, 161:7, 169:7, 169:23, 170:6, 170:14, 171:23, 172:16, 174:1, 176:7, 177:8, 182:9, 187:2, 187:5, 190:8, 192:15, 193:8, 196:11, 196:24, 204:16, 212:1, 214:9, 215:6, 225:15, 226:8, 226:10, 234:8, 235:6, 235:10, 236:1, 237:2, 237:3, 238:11, 238:21, 238:24, 239:2 update [2] - 50:6, 202:23 updated [5] - 168:24, 201:14, 202:24, 226:1, 226:3 updating [1] - 203:1 upending [1] - 9:4 upper [3] - 135:1, 137:12, 137:15 useful [3] - 12:19, 12:20, 125:24 Utilization [5] - 89:5, 89:8, 89:12, 89:14, 89:24 utilize [1] - 78:10 utilized [1] - 131:7	195:10, 224:2, 225:11 vehicle [2] - 31:1, 31:18 Ventura [1] - 3:18 verification [3] - 91:24, 199:20, 224:7 verified [1] - 91:15 verify [3] - 212:7, 212:8, 224:5 version [3] - 36:2, 58:9, 92:17 versions [2] - 20:16, 20:19 Veterinary [1] - 153:17 vetted [1] - 116:5 Vice [3] - 18:11, 35:11, 54:15 vice [1] - 73:4 video [1] - 72:5 view [1] - 12:4 views [1] - 125:18 vigilant [1] - 82:1 Vince [1] - 229:10 violation [1] - 217:16 violations [2] - 47:21, 47:22 VIRGINIA [2] - 1:1, 1:18 Virginia [27] - 4:18, 7:3, 7:4, 38:9, 38:11, 41:17, 63:19, 64:2, 112:24, 112:25, 114:7, 114:9, 114:12, 148:6, 149:20, 167:14, 167:19, 167:20, 180:8, 194:6, 196:2, 214:15, 216:11, 227:7, 227:13, 227:19, 227:25 virtually [1] - 28:1 vis [2] - 31:5 vis-a-vis [1] - 31:5 visibility [1] - 78:20 vision [1] - 213:7 visit [27] - 80:8, 91:15, 91:21, 91:25, 92:3, 92:4, 174:18, 174:19, 187:8, 187:11, 188:14, 188:25, 193:11, 212:10, 216:7, 216:8, 216:14, 216:21, 222:25, 223:7, 223:21, 223:23, 224:7, 224:18, 229:22, 231:22, 232:2 visited [9] - 188:23,	215:11, 215:13, 215:15, 223:5, 223:15, 231:25, 232:3 visits [7] - 188:7, 189:6, 223:9, 223:10, 224:10, 224:17, 229:14 visual [1] - 134:2 voice [3] - 177:8, 177:19, 196:24 voiced [1] - 229:5 volume [10] - 75:14, 75:18, 75:20, 108:9, 108:11, 135:8, 135:12, 135:14, 218:12 VOLUME [1] - 1:16 voted [1] - 153:25 VP [4] - 53:1, 53:4, 54:11, 108:15 vs [1] - 241:6	143:18 Wayne [1] - 110:21 ways [2] - 173:24, 188:11 WEBB [1] - 3:11 Webb [1] - 3:12 Wednesday [1] - 238:19 week [9] - 8:17, 8:23, 120:10, 220:3, 220:4, 220:6, 220:8, 224:8, 238:12 weekend [1] - 238:7 weeks [1] - 13:3 weight [1] - 42:21 Welcome [1] - 182:12 welcome [1] - 42:14 Werthammer [6] - 237:1, 237:7, 237:19, 237:22, 238:22, 239:23 WEST [2] - 1:1, 1:18 West [26] - 7:3, 7:4, 38:9, 38:11, 41:17, 63:19, 64:2, 112:24, 112:25, 114:7, 114:9, 114:12, 148:6, 149:20, 167:14, 167:19, 167:20, 180:8, 194:5, 196:1, 214:15, 216:10, 227:7, 227:13, 227:18, 227:25 whatsoever [1] - 113:1 Wheeling [9] - 41:17, 149:8, 149:10, 149:13, 167:13, 167:16, 193:23, 194:5, 194:9 whereas [1] - 125:22 whereby [7] - 91:16, 94:1, 184:7, 184:19, 203:11, 225:8, 226:22 white [2] - 15:25, 16:1 whole [8] - 23:20, 26:20, 32:20, 71:24, 121:6, 144:9, 229:13 wholesale [5] - 155:13, 155:17, 175:3, 175:7, 175:13 wholesaler [4] - 81:18, 81:22, 86:6, 86:10 wholesalers [1] - 155:20 WICHT [1] - 4:12 wide [2] - 97:17, 195:9
W				
wait [3] - 99:2, 125:10, 239:15 waiting [2] - 198:4, 239:1 waive [2] - 131:4, 165:10 waived [1] - 131:5 waiver [1] - 32:15 waiving [1] - 165:11 WAKEFIELD [1] - 5:13 Walgreens [1] - 205:21 walk [5] - 66:20, 86:17, 107:19, 182:21, 191:7 walked [2] - 169:6, 210:7 walking [1] - 133:4 wants [3] - 33:2, 118:1, 123:1 warehouse [2] - 184:7, 184:8 warrant [2] - 45:18, 46:10 warrants [2] - 16:10, 16:13 Washington [10] - 2:11, 4:7, 4:14, 4:16, 5:5, 5:12, 41:14, 147:15, 166:7, 168:20 waste [2] - 11:20, 42:17 watching [1] - 192:13 Watson [2] - 143:7,				
V				
vaguely [1] - 165:5 Valencia [7] - 67:4, 67:8, 67:21, 70:18, 71:2, 71:4, 235:19 valid [1] - 179:14 validate [2] - 63:10, 81:10 validation [2] - 81:13, 99:12 validity [1] - 212:11 Van [3] - 112:24, 112:25 varied [1] - 90:19 various [3] - 196:12, 208:23, 227:4 vault [6] - 161:6, 172:13, 180:24,				

<p>Williams [2] - 4:13, 5:4</p> <p>willing [3] - 126:13, 238:6, 238:23</p> <p>window [1] - 225:7</p> <p>wish [2] - 13:22, 176:21</p> <p>withdraw [1] - 28:15</p> <p>witness [75] - 10:23, 13:15, 14:7, 15:13, 17:14, 20:21, 21:4, 21:16, 22:9, 23:14, 25:8, 26:23, 27:3, 28:24, 29:15, 29:23, 30:6, 31:1, 31:6, 31:9, 31:11, 31:15, 33:8, 33:20, 35:22, 43:20, 43:21, 43:24, 44:1, 49:20, 66:19, 68:19, 69:2, 69:15, 69:22, 70:5, 101:24, 102:1, 118:21, 118:22, 118:24, 120:5, 120:12, 120:25, 121:13, 121:21, 122:12, 123:18, 124:16, 124:18, 125:4, 127:22, 128:9, 128:18, 133:16, 133:18, 133:21, 142:9, 145:4, 145:7, 151:5, 163:12, 164:14, 170:10, 190:3, 190:22, 190:25, 203:18, 204:11, 235:5, 236:7, 236:21, 236:22, 238:22, 239:2</p> <p>WITNESS [32] - 15:16, 53:18, 66:20, 71:15, 93:15, 93:22, 94:8, 102:25, 103:2, 104:19, 104:22, 113:12, 145:15, 151:21, 166:4, 173:18, 175:22, 176:9, 177:10, 177:12, 177:15, 177:17, 177:21, 194:17, 198:11, 203:22, 204:3, 211:15, 211:19, 222:16, 233:2, 236:16</p> <p>witness's [2] - 128:24, 164:12</p> <p>witnesses [31] - 8:19, 9:2, 9:4, 9:6, 9:8,</p>	<p>9:10, 11:18, 11:21, 23:15, 28:14, 29:3, 29:21, 30:12, 31:17, 31:18, 122:17, 123:10, 123:11, 123:17, 123:19, 124:19, 124:20, 124:21, 125:5, 125:9, 126:19, 169:23, 236:20, 238:5</p> <p>WOELFEL [1] - 3:9</p> <p>Woelfel [2] - 3:9</p> <p>wonderful [1] - 152:15</p> <p>word [1] - 195:7</p> <p>words [1] - 195:24</p> <p>works [1] - 62:9</p> <p>world [1] - 131:17</p> <p>worse [1] - 15:6</p> <p>worth [1] - 44:20</p> <p>write [2] - 101:7, 188:6</p> <p>writes [1] - 203:11</p> <p>writing [1] - 115:11</p> <p>written [5] - 53:8, 178:2, 180:17, 208:9, 208:22</p> <p>wrongdoing [1] - 168:12</p> <p>wrote [3] - 27:21, 155:3, 178:25</p> <p>WU [1] - 5:10</p> <p>WV [6] - 2:8, 3:10, 3:13, 4:19, 5:15, 6:9</p>
Y	
<p>year [3] - 194:4, 225:6, 225:7</p> <p>years [8] - 93:4, 93:5, 93:7, 101:19, 156:9, 164:2, 185:21, 227:1</p> <p>yesterday [9] - 7:13, 15:14, 15:23, 17:11, 17:17, 20:16, 33:17, 37:25, 46:15</p> <p>York [1] - 3:5</p> <p>yourself [1] - 105:15</p>	
Z	
<p>Zanesville [1] - 19:3</p> <p>Zimmerman [1] - 124:25</p>	